Judiciary Section, Comptroller's Department Summary of Recommendations - Senate

Page VI-31 Lisa Craven, Deputy Commissioner George Dziuk, LBB Analyst

Method of Financing	2018-19 Base	2020-21 Recommended	Biennial Change (\$)	Biennial Change (%)
General Revenue Funds	\$200,939,095	\$202,213,095	\$1,274,000	0.6%
GR Dedicated Funds	\$O	\$O	\$0	0.0%
Total GR-Related Funds	\$200,939,095	\$202,213,095	\$1,274,000	0.6%
Federal Funds	\$O	\$0	\$0	0.0%
Other	\$114,401,371	\$113,650,471	(\$750,900)	(0.7%)
All Funds	\$315,340,466	\$315,863,566	\$523,100	0.2%

	FY 2019	FY 2021	Biennial	Percent
	Budgeted	Recommended	Change	Change
FTEs	632.2	634.0	1.8	0.3%





Historical Full-Time-Equivalent Employees (FTEs)



The bill pattern for this agency (2020-21 Recommended) represents an estimated 100% of the agency's estimated total available funds for the 2020-21 biennium.

Section 1

Judiciary Section, Comptroller's Department Summary of Funding Changes and Recommendations - Senate

	Funding Changes and Recommendations for the 2020-21 Biennium compared to the 2018-19 Base Spending Level (in millions)		GR-Dedicated	Federal Funds	Other Funds	All Funds	Strategy in Appendix A
Fu	unding Changes and Recommendations (each issue is explained in Section 3 and additional details are provid	led in Appendix	A):				
A)	A) Increase in General Revenue for biennialization of court changes due to enactment of Senate Bill 1329, Eighty-fifth Legislature, Regular Session.		\$0.0	\$0.0	\$0.0	\$1.3	A.1.1, C.1.2
B)	Decrease in Assistant State Processurer Fund No. 303 due to an anticipated reduction in revenuer		\$0.0	\$0.0	(\$0.8)	(\$0.8)	D.1.1
т	TOTAL Funding Changes and Recommendations (in millions)		\$0.0	\$0.0	(\$0.8)	\$0.5	As Listed
	Funding Increases		\$0.0	\$0.0	\$0.0	\$1.3	As Listed
	Funding Decreases		\$0.0	\$0.0	(\$0.8)	(\$0.8)	As Listed

NOTE: Totals may not sum due to rounding.

Section 2

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

1. Biennialize Funding for Court and Prosecutor Changes Due to Enactment of Senate Bill 1329, Eighty-fifth Legislature, 2017 Recommendations biennialize funding for the following:

- a. **District Courts:** an increase of \$980,000 in General Revenue to biennialize costs for five new district courts that were established during the 2018–19 biennium (the 453rd in Hays County, the 459th in Travis County, the 462nd in Denton County, and the 464th and 465th both in Hidalgo County) and for the establishment of the 460th district court in Travis County during the 2020–21 biennium.
- b. Statutory County Judge Salary Supplements: an increase of \$294,000 in General Revenue to biennialize costs for three new statutory county courts that were established during the 2018–19 biennium (County Court at Law #6 in Fort Bend County, a County Court at Law In Grimes County, and County Court at Law #3 in Hays County) and for the establishment of County Court at Law #9 in Hidalgo County during the 2020–21 biennium.
- 2. Assistant State Prosecutor Fund. Recommendations include \$8.0 million in Assistant Prosecutor Supplement Fund No. 303 (Fund No. 303) within Strategy D.1.1, Assistant Prosecutor Longevity Pay, \$0.8 million below the 2018–19 spending level, for the reimbursement of counties for longevity pay for eligible assistant district attorneys. Pursuant to Government Code, Chapter 41, every full-time assistant prosecutor is entitled to monthly longevity pay from the state of \$20 per year of service starting in the 5th year with a cap of \$5,000 (which would require 21 years of service). This decrease is due to an anticipated reduction of \$0.4 million per year in revenues to Fund No. 303 from fiscal year 2018 levels as reported in the Comptroller's Biennial Revenue Estimate. In addition, according to the Judiciary Section, \$492,130 will be needed to meet remaining obligations for the 2018–19 biennium for which the Judiciary Section is seeking supplemental funding.

Strategy D.1.1, Assistant Prosecutor Longevity Pay, is funded entirely through Fund No. 303 with revenues drawn from a \$15 fee assessed on every surety bond with a maximum of \$30 per individuals with multiple bonds. Two-thirds of this revenue is deposited to the credit of Fund No. 303 and the remaining one-third is deposited to the credit of General Revenue–Dedicated Fair Defense Account No. 5073. Since the program was established in fiscal year 2001, the number of assistant prosecutors participating in the program has increased while fee revenues have decreased due to more options becoming available that replace the use of surety bonds for pre-trial detention purposes. According to the Texas District and County Attorney Association, it is anticipated that these trends will continue into the 2020–21 biennium and beyond with little chance of reversal.

Government Code, Chapter 41.255(d) specifies that a county is not required to provide longevity supplements if the county does not receive funds from the Judiciary Section for this purpose. In addition, any funding available to the Judiciary Section must be apportioned to counties on an equitable basis resulting in a general across-the-board decrease in longevity pay for assistant state prosecutors.

3. Docket Equalization Program. Recommendations include \$5,000 each year, or \$10,000 for the 2020–21 biennium, in General Revenue funding for the Docket Equalization program in a new Strategy D.1.10, Docket Equalization. This program within the Office of Court Administration (OCA) for the 2018–19 biennium pays for travel expenses incurred by appellate justices and their staff who travel to hear cases transferred to them for disposition with OCA staff processing the travel claims in accordance with state travel regulations. Recommendations transfer program responsibility for processing these travel claims to the Judiciary Section, Comptroller's Department because these obligations align closer to the accounting functions of the Judiciary Section.

Judicial and Prosecutor Compensation. Recommendations do not include \$36.2 million in General Revenue funding for a 15 percent increase in a district judge's salary (\$140,000 to \$161,000) and for the salaries of all judicial and prosecutor positions that are statutorily linked to a district judge's salary included as an exceptional item request within the Judiciary Section's LAR for the first time and included at the request of the Judicial Compensation Commission (JCC). In addition, an increase of \$0.8 million in Strategy A.1.2,

Visiting Judge – Regions, and \$54,672 in Strategy A.1.3, Visiting Judges – Appellate, each year, or approximately \$1.7 million total for the 2020–21 biennium, would be necessary to meet increased obligations resulting from statutory requirements that link appointed visiting judge compensation to the compensation of the absent judge.

The total state cost of a 15 percent increase in a district judge's salary is approximately \$59.6 million which includes salary and salary supplement increases of \$17.0 million for benefits costs for both payroll contributions and increased liabilities due to a higher actuarially sound contribution rate and \$1.7 million for the visiting judge program to maintain judicial appointment rates at 2018–19 levels.

A review of JCC recommendations for judicial salaries and other positions with salaries that are statutorily linked to a district judges salary, and the Commission's other recommendations is available on page 5. The most recent judicial salary adjustment was a 12 percent increase in the 2014–15 biennium for judge and prosecutor positions linked to district judge pay totaling \$34.8 million across the 2014–15 biennium (See also, Items Not Included in Recommendations - Senate #1).

4. Judicial and Prosecutor Compensation. Recommendations do not include \$36.2 million in General Revenue funding for a 15 percent increase in a district judge's salary (\$140,000 to \$161,000) and for the salaries of all judicial and prosecutor positions that are statutorily linked to a district judge's salary included as an exceptional item request within the Judiciary Section's LAR for the first time and included at the request of the Judicial Compensation Commission (JCC). In addition, an increase of \$0.8 million in Strategy A.1.2, Visiting Judge – Regions, and \$54,672 in Strategy A.1.3, Visiting Judges – Appellate, each year, or approximately \$1.7 million total for the 2020–21 biennium, would be necessary to meet increased obligations resulting from statutory requirements that link appointed visiting judge compensation to the compensation of the absent judge.

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Judicial and Prosecutor Salaries and Salary Supplements Statutorily Linked to District Judge Pay - Senate

	Recommendat	ons for 2020-21 Bie	nnium		npensation Commiss ions for 2020-21 Bie			Salary Differences	
Type of Judge or Prosecutor	State Compensation Effective 9/1/2019	Local Compensation	Maximum Salary	State Compensation Effective 9/1/2019	Local Potential Compensation	Total Potential Salary	State	Local	Combined Salary
District Court Judge									
Government Code, Chapter 659.0	12(1)								
Annual	\$140,000	Up to \$18,000	\$158,000	\$161,000	Up to \$22,200	\$183,200	\$21,000	Up to \$4,200	\$25,200
Criminal Appeals (Presiding .	Judge) - Supreme Court	(Chief Justice)							
Government Code, Chapter 659.0	• • •	·							
Annual	\$170,500	No Local Supplement	\$170,500	\$195,700	No Local Supplement	\$195,700	\$25,200	No Local Supplemen t	\$25,200
Criminal Appeals (Judge) - Su	upreme Court (Justice)								
Government Code, Chapter 659.0	•								
Annual	\$168,000	No Local Supplement	\$168,000	\$193,200	No Local Supplement	\$193,200	\$25,200	No Local Supplement	\$25,200
Court of Appeals (Chief Justic	ce)								
Government Code, Chapter 659.0									
Annual	\$156,500	Up to \$9,000	\$165,500	\$179,600	Up to \$11,100	\$190,028	\$23,100	Up to \$2,100	\$25,200
Court of Appeals (Justice)									
Government Code, Chapter 659.0	12(2)								
		Up to	* 1 / 0 000		Up to		* 00.100	Up to	* ~ ~ ~ ~ ~
Annual	\$154,000	\$9,000	\$163,000	\$177,100	\$11,100	\$187,528	\$23,100	\$2,100	\$25,200

Judicial Compensation Commission **Salary Differences Recommendations for 2020-21 Biennium Recommendations for 2020-21 Biennium** Total Type of Judge or Combined **State Compensation** Maximum State Compensation Local Potential Potential Local Prosecutor Effective 9/1/2019 Compensation Salary Effective 9/1/2019 Salary State Salary Compensation Local Judiciary Section, Comptroller's Department Multicounty Statutory County Judge Government Code, Chapter 25.2607(d) \$140,000 Not Applicable \$140,000 \$161,000 Not Applicable \$161,000 \$21,000 \$21,000 Annual Not Applicable **Judiciary Section, Comptroller's Department** Statutory County Judge Salary Supplement Government Code, Chapter 25.0015 At least At least At least At least At least At least \$84,000 \$96,600 \$12,600 Annual \$139,000 \$63,400 \$160,000 \$8,400 \$55,000 \$21,000 Judiciary Section, Comptroller's Department **Constitutional County Judge Salary Supplement** Government Code, Chapter 26.006(a) \$25,200 Annual Varies Varies \$28,980 Varies Varies \$3,780 Varies Varies Prosecutors Salaries Statutorily Linked to State District Judge Pay Office of the State Prosecuting Attorney - State Prosecuting Attorney Government Code, Chapter 46.003 No No No \$143,500 \$143,500 \$161,000 \$161,000 \$17,500 Local Supplement \$17,500 Annual Local Supplement Local Supplement

Judicial and Prosecutor Salaries and Salary Supplements Statutorily Linked to District Judge Pay - Senate

Judicial Compensation Commission **Salary Differences Recommendations for 2020-21 Biennium Recommendations for 2020-21 Biennium** Total Type of Judge or Combined **State Compensation** Maximum State Compensation Local Potential Potential Local Prosecutor Effective 9/1/2019 Compensation Salary Effective 9/1/2019 Salary State Salary Compensation Local Judiciary Section, Comptroller's Department **Professional Prosecutors** Government Code, Chapter 46.003 At least At least At least \$143,500 \$140,000 \$161,000 \$161,000 \$17,500 \$17,500 Varies Varies Varies Annual Judiciary Section, Comptroller's Department **District Attorneys Permitted to Practice Law** Government Code, Chapter 41.013 No No No \$16,800 \$112,000 Local Supplement \$112,000 \$128,800 Annual Local Supplement \$128,800 Local Supplement \$16,800 Judiciary Section, Comptroller's Department Felony Prosecutors | Jackson and Fayette County Prosecutors Government Code, Chapter 44.220 and 45.175 \$112,000 NA \$112,000 \$128,800 NA \$128,800 \$16,800 \$16,800 Annual NA Judiciary Section, Comptroller's Department - County Attorney Supplement Government Code, Chapter 46.005 At At At \$3,500 to \$23,333 to \$26,833 to At At At County County County \$70,000 \$80,500 \$10,500 **County Discretion** County Discretion **County Discretion** Discretion Discretion Discretion Annual

Judicial and Prosecutor Salaries and Salary Supplements Statutorily Linked to District Judge Pay - Senate

Judicial and Prosecutor Salaries and Salary Supplements Statutorily Linked to District Judge Pay - Senate Judicial Compensation Commission Recommendations for 2020-21 Biennium Recommendations for 2020-21 Biennium Total

						Total			
Type of Judge or	State Compensation	Local	Maximum	State Compensation	Local Potential	Potential			Combined
Prosecutor	Effective 9/1/2019	Compensation	Salary	Effective 9/1/2019	Compensation	Salary	State	Local	Salary

Additional JCC Recommendations:

1) Reduce the number of years required to receive judicial longevity pay from sixteen years of service to four years of service and to provide the judge or justice 0.2 percent of their currently monthly state salary for every year of judicial service. If the 15 percent salary increase is authorized then the cost of this recommendation would be \$2.7 million for the 2020-21 biennium and the cost would be \$2.2 million if the 15 percent were not implemented.

2) Fund an increase in the salaries of the Children's Court Associate Judges within the Office of Court Administration at 90 percent of a district judge's salary at a cost of \$3.4 million for the 2020-21 biennium if the 15 percent salary increase is authorized.

Notes:

1) The estimated state fiscal impact of a 15 percent judicial salary increase is approximately \$59.6 million for the 2020-21 biennium. This amount includes \$17.0 million in benefits costs, which covers both payroll contributions and increased liabilities due to a higher Actuarially Sound Contribution (ASC) rate and \$1.7 million to maintain visiting judge appointments at 2018-19 levels

Judiciary Section, Comptroller's Department Rider Highlights - Senate

Deleted Riders

4. Witness Expenses. Recommendations delete the rider. Limitations that witness expenses not be paid beyond the maximum rates provided by law for state employees already exists in statute making this rider unnecessary.

Judiciary Section, Comptroller's Department Items Not Included in Recommendations - Senate

		2020-	-21 Biennial Total				
		GR & GR-D	All Funds	FTEs	Information Technology Involved?	Contracting Involved?	Estimated Continued Cost 2022-23
Age	ency Exceptional Items Not Included						
A)	General Revenue funding for a 15 percent increase in a district judge salary (\$140,000 to \$161,000) and for the salaries of all judicial and prosecutor positions that are statutorily linked to a district judge's state salary (see also, Selected Fiscal and Policy Issues - Senate #4)	\$36,211,416	\$36,211,416	0.0	No	No	\$36,211,416
	General Revenue funding for the Visiting Judge Program for increased costs resulting from additional visiting judge days needed to cover three weeks of leave. Item requested by the Presiding Judges of the Administrative Judicial Regions resulting from an increase in the number of district court judges since the Visiting Judge program was last increased for the 2014-15 biennium.	\$528,886	\$528,886	0.0	No	No	\$528,886

Judiciary Section, Comptroller's Department Items Not Included in Recommendations - Senate

	2020-	-21 Biennial Total				
	GR & GR-D	All Funds	FTEs	Information Technology Involved?	Contracting Involved?	Estimated Continued Cost 2022-23
Special Prosecution Unit1) \$45,175 in General Revenue funding for increased benefits costs for all divisions, including retiree benefits costs for the Criminal Division;2) \$306,440 in General Revenue funding to establish an attorney career ladder within the SPU with an average attorney salary across all three divisions of \$92,145, or the average salary for a Walker County prosecutor;C)3) \$155,704 in General Revenue funding to establish an investigator career ladder within the SPU's Criminal and Juvenile divisions and increasing the average investigator salary from \$51,122 to \$59,905, or the average salary for a Walker County investigator;4) 290,376 in General Revenue funding for a prosecutor position within the Juvenile Division that specializes in sexual assault cases; and5) \$56,230 in General Revenue funding to include Special Prosecution Unit staff in statewide pay increases in the 2020-21 biennium contingent upon a salary increase for state employees bening provided.		\$856,925	0.0	No	No	\$856,925

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Note: The Judiciary Section, Comptroller's Department does not prioritize exceptional items and defers to the will of the Legislature on all decisions.

Judiciary Section, Comptroller's Department Appendices - Senate

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с	FTE Highlights	*							
D	Performance Measure Highlights	*							
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* Appendix is not included - no significant information to report

** Information is included in the presentation section of the packet

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Judiciary Section, Comptroller's Department Funding Changes and Recommendations - Senate, by Strategy -- ALL FUNDS

Strategy/Goal	2018-19 Base	2020-21 Recommended	Biennial Change	% Change	Comments
DISTRICT JUDGES A.1.1	\$134,134,524	\$135,114,524	\$980,000	courts	mendations increase General Revenue funding for biennialization of district created through enactment of Senate Bill 1329, Eighty-fifth Legislature, (See also, Selected Fiscal and Policy Issues #1)
VISITING JUDGES - REGIONS A.1.2	\$10,577,706	\$10,577,706	\$O	0.0%	
VISITING JUDGES - APPELLATE A.1.3	\$728,958	\$728,958	\$0	0.0%	
LOCAL ADMIN. JUDGE SUPPLEMENT A.1.4	\$161,490	\$161,490	\$0	0.0%	
DISTRICT JUDGES: TRAVEL A.1.5	\$676,400	\$676,400	\$0	0.0%	
JUDICIAL SALARY PER DIEM A.1.6	\$366,312	\$366,312	\$ 0	0.0%	
MDL SALARY AND BENEFITS A.1.7	\$349,320	\$349,320	\$0	0.0%	
Total, Goal A, JUDICIAL SALARIES AND PAYMENTS	\$146,994,710	\$147,974,710	\$980,000	0.7%	
DISTRICT ATTORNEYS: SALARIES B.1.1	\$1,483,454	\$1,483,454	\$0	0.0%	
PROFESSIONAL PROSECUTORS: SALARIES B.1.2	\$43,595,937	\$43,595,937	\$0	0.0%	
FELONY PROSECUTORS: SALARIES B.1.3	\$681,070	\$681,070	\$O	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	\$O	0.0%	
FELONY PROSECUTORS: EXPENSES B.1.6	\$8,332,166	\$8,332,166	\$0	0.0%	
Total, Goal B, PROSECUTOR SALARIES AND PAYMENTS	\$54,721,673	\$54,721,673	\$ 0	0.0%	
CONSTITUTIONAL CO. JUDGE SUPPLEMENT C.1.1	\$11,255,594	\$11,255,594	\$0	0.0%	
STATUTORY CO. JUDGE 573 SUPPLEMENT C.1.2	\$41,080,490	\$41,374,490	\$294,000	statuto	mendations increase General Revenue funding for biennialization of bry county courts created through enactment of Senate Bill 1329, Eighty-fifth ature, 2017 (See also, Selected Fiscal and Policy Issues #1)
STATUTORY PROBATE JUDGE SUPPLEMENT C.1.3	\$2,739,572	\$2,739,572	\$0	0.0%	
1ST MULTICOUNTY COURT AT LAW C.1.4	\$306,000	\$306,000	\$O	0.0%	
Total, Goal C, COLEVEL JUDGES SALARY SUPPLEMENTS	\$55,381,656	\$55,675,656	\$294,000	0.5%	

Judiciary Section, Comptroller's Department Funding Changes and Recommendations - Senate, by Strategy -- ALL FUNDS

Strategy/Goal	2018-19 Base	2020-21 Recommended	Biennial Change	% Change	
ASST. PROSECUTOR LONGEVITY PAY D.1.1	\$8,769,700	\$8,018,800	(\$750,900)	(8.6%)	Recommendations reflect anticipated decreases in revenues to Assistant Prosecutor Supplement Fund No. 303 (Other Funds) for the 2020-21 biennium (see also, Selected Fiscal and Policy Issues - Senate #2)
COUNTY ATTORNEY SUPPLEMENT D.1.2	\$12,066,669	\$12,066,669	\$O	0.0%	
WITNESS EXPENSES D.1.3	\$2,802,500	\$2,802,500	\$0	0.0%	
SPECIAL PROSECUTION UNIT, WALKER CO D.1.4	\$10,453,757	\$10,453,757	\$0	0.0%	
DEATH PENALTY REPRESENTATION D.1.5	\$50,000	\$50,000	\$ 0	0.0%	
NATIONAL CENTER FOR STATE COURTS D.1.6	\$910,756	\$910,756	\$ 0	0.0%	
JUROR PAY D.1.7	\$21,763,400	\$21,763,400	\$0	0.0%	
INDIGENT INMATE DEFENSE D.1.8	\$108,895	\$108,895	\$ 0	0.0%	
COST OF EXTRAORDINARY PROSECUTION D.1.9	\$1,306,750	\$1,306,750	\$0	0.0%	
DOCKET EQUALIZATION D.1.10	\$10,000	\$10,000	\$0		Recommendations include transfer of the Docket Equalization program to the Judiciary Section from the Office of Court Administration in a new strategy (see also, Selected Fiscal and Policy Issues - Senate #3)
Total, Goal D, SPECIAL PROGRAMS	\$58,242,427	\$57,491,527	(\$750,900)	(1.3%)	
Grand Total, All Strategies	\$315,340,466	\$315,863,566	\$523,100	0.2%	

Judiciary Section, Comptroller's Department Summary of Ten Percent Biennial Base Reduction Options Recommendations - Senate

			Biennial Re	eduction Amour	nts]			
Priority	ltem	Description/Impact	GR & GR-D	All Funds	FTEs	Potential Revenue Loss	Reduction as % of Program GR/GR-D Total	Program GR/GR-D Total	Included in Introduced Bill
	-	The Comptroller's office defers to the will of the legislature with regard to	any decreases	o these strategi	es.		-		
	District Judge Salaries		\$10,020,648	\$10,020,648	0.0	\$0	10%	\$101,186,470	No
	Visiting Judge - Regions		\$1,016,368	\$1,016,368	0.0	\$0	10%	\$10,163,706	No
	Visiting Judge - Appellate		\$72,896	\$72,896	0.0	\$0	10%	\$728,958	No
	Local Admin Judge Supplement		\$16,152	\$16,152	0.0	\$0	10%	\$161,490	No
	District Judges: Travel		\$67,632	\$67,632	0.0	\$0	10%	\$676,400	No
	Judicial Salary Per Diem		\$36,632	\$36,632				\$366,312	
	MDL Salary and Benefits		\$34,936					\$349,320	No
	District Attorneys: Salaries		\$82,488	\$82,488				\$824,854	No
	Professional Prosecutors: Salaries		\$2,498,576	\$2,498,576	0.0			\$24,985,783	No
	Felony Prosecutors: Salaries		\$41,704					\$417,014	
	Prosecutors Subchapter C		\$27,208					\$272,046	
	Felony Prosecutors: Travel		\$35,704	\$35,704				\$357,000	
	Felony Prosecutors: Expenses		\$833,216					\$8,332,166	
	Constitutional Co. Judge Supplement		\$640,680					\$6,406,800	
	Statutory Co. Judge 573 Supplement		\$552,544	\$552,544				\$5,525,462	
	County Attorney Supplement		\$679,976					\$6,799,721	No
	Witness Expenses		\$280,248	\$280,248				\$2,802,500	
	Special Prosecution Unit, Walker County		\$741,328					\$7,413,292	
	Death Penalty Representation		\$5,000	\$5,000	0.0	\$0	10%	\$50,000	No
	National Center for State Courts		\$91,072	\$91,072	0.0			\$910,756	
	Juror Pay		\$2,176,336					\$21,763,400	
	Indigent Inmate Defense		\$10,888	\$10,888	0.0			\$108,895	
	Cost of Extraordinary Prosecution		\$130,672	\$130,672	0.0	\$0	10%	\$1,306,750	No

TOTAL, 10% Reduction Options

\$20,092,904 \$20,092,904 0.0

\$0

Note: The Judiciary Section, Comptroller's Department does not prioritize reduction options and defers to the will of the Legislature on all decisions.