

Issue Docket

Conference Committee on Senate Bill 1

2010-11 General Appropriations Bill

Article IV - The Judiciary

Agency/Item	Senate		House		Biennial Difference	Explanation
	2010	2011	2010	2011		
<u>SUPREME COURT OF TEXAS</u>		IV-1		IV-1		
A.1.1, Appellate Court Operations	\$ 5,585,230	\$ 5,504,790	\$ 5,240,284	\$ 5,157,284	\$ 692,452	<p>Senate provides \$775,452 in General Revenue for the following purposes:</p> <ul style="list-style-type: none"> a. Judicial Longevity Pay (\$25,600). b. Targeted pay raises totaling \$280,000 for the court's 14 staff attorneys (\$10,000 raise per attorney). c. Targeted pay raises totaling \$109,664 for the court's administrative staff. d. Targeted pay raises totaling \$208,188 for the court's 18 law clerks totaling \$208,188 (\$6,000 raise per clerk). e. Funding for an Electronic Document Management Project totaling \$152,000. One-time funding of \$83,000 for equipment and \$34,500 per year for an administrative assistant (1.0 FTE). <p>House provides \$83,000 in General Revenue for the court's Electronic Document Management Project.</p>

Agency/Item	Senate		House		Biennial Difference	Explanation
	2010	2011	2010	2011		
B.1.1, Basic Civil Legal Services	\$ 22,221,000	\$ 22,220,000	\$ 22,971,000	\$ 23,470,000	\$ 2,000,000	Senate provides \$22.0 million in General Revenue for one-time funding of Basic Civil Legal Services to offset the Interest on Lawyers Trust Accounts revenue loss. (See also Senate Rider #2.) House provides \$22.0 million in General Revenue for the same purpose. The House also includes \$2.0 million in General Revenue-Dedicated funds (Sexual Assault Fund No. 5010) contingent upon litigation involving the Sexually Oriented Business fee being resolved in favor of the state and revenue collections is in excess of the Biennial Revenue Estimate. (See also House Rider #2.)
B.1.3, Multi-District Litigation	\$ 241,500	\$ 241,500	\$ -	\$ -	\$ 483,000	Senate provides \$483,000 in General Revenue for Multi-District Litigation grants. See also, Senate XI-4. House provides no funding, but authority to transfer General Revenue appropriated (not to exceed \$241,500) in Strategy A.1.1, Appellate Court Operations from fiscal 2011 into 2010 to provide MDL grants, subject to approval by the LBB.
Appropriation: Basic Civil Legal Services	IV-2, Rider #2 Rider Packet IV-1		IV-2, Rider #2 Rider Packet IV-1			Senate provides reporting requirement for disbursements from the Basic Civil Legal Services subaccount of the Judicial Fund No. 573. House provides reporting requirement for disbursements from all funding sources.

Agency/Item	Senate		House		Biennial Difference	Explanation
	2010	2011	2010	2011		
Supreme Court Advisory Committees	IV-3, Rider #7 Rider Packet IV-1		IV-3, Rider #7 Rider Packet IV-1			Technical Correction: a. Include Strategy B.1.2, Court Improvement Projects. b. Senate and House both list Committee on Children, Youth, and Families. The correct name is the Commission on Children, Youth, and Families.
One-time Funding for Basic Civil Legal Services	IV-3, Rider #8 Rider Packet IV-2					Senate includes rider stating that \$22.0 million in General Revenue to offset the IOLTA revenue loss represents one-time funding.
Supreme Court Performance Measures	IV-3, Rider #9 Rider Packet IV-2					Senate includes rider which requires the Court to submit a report to the LBB and the Governor providing data on each individual justice's compliance with the Court's internal deadlines. Initial report would be due August 31, 2011.
Appropriation Transfers between Fiscal Years for Multi-District Litigation			IV-3, Rider #8 Rider Packet IV-1			House includes rider that would provide spend-forward authority from fiscal year 2011 into 2010 out of Strategy A.1.1, Appellate Court Operations in an amount not to exceed \$241,500 to provide Multi-District Litigation grants.
Contingency Appropriation for Sexually Oriented Business Fee			IV-3, Rider #9 Rider Packet IV-2			House includes rider regarding \$2.0 million in General Revenue-Dedicated funding from the sexually oriented business fee for Basic Civil Legal Services. Funding is contingent on litigation being resolved in favor of the state and collections exceeding the Biennial Revenue Estimate.

Agency/Item	2010 <u>Senate</u> 2011	2010 <u>House</u> 2011	Biennial Difference	Explanation
	XI-4	XI-15		

Agency/Item	Senate		House		Biennial Difference	Explanation
	2010	2011	2010	2011		
<u>COURT OF CRIMINAL APPEALS</u>		IV-3		IV-3		
A.1.1, Appellate Court Operations	\$ 5,258,918	\$ 5,224,108	\$ 4,830,242	\$ 4,795,432	\$ 857,352	<p>Senate provides \$896,002 in General Revenue for the following purposes:</p> <ul style="list-style-type: none"> a. Targeted salary increases for Court of Criminal Appeals staff of \$597,352: <ul style="list-style-type: none"> \$377,310 for 26 staff attorneys at an average of \$7,256 per attorney. \$58,730 for 9 court law clerks at an average of \$3,263 per clerk. \$66,000 for 11 legal secretaries at an average of \$3,000 per legal secretary. \$95,312 for 13 staff in the clerk's office at an average of \$3,666. b. New Special Counsel for the Court (1.0 FTE) \$160,000. c. Imaging system maintenance replacement (\$38,650). d. Travel for special committees and out of Austin oral arguments (\$100,000). <p>House provides \$38,650 in General Revenue for imaging system maintenance replacement.</p>

Agency/Item	Senate		House		Biennial Difference	Explanation
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<u>14 COURTS OF APPEALS</u>	Cross-Agency Issue: Senate includes a similar funding for same-sized courts block grant out of General Revenue of \$6,522,166 which limits salary increases for attorney and non-attorney staff to no more than 10 percent. Additionally, the Senate includes \$37,520 for judicial longevity pay at four of the courts. Total difference between Senate and House is \$6,559,686. See also House XI-15.					
First Court of Appeals, Houston A.1.1, Appellate Court Operations	IV-6 \$ 3,994,551	\$ 3,994,552	IV-6 \$ 3,616,513	\$ 3,616,513	\$ 756,077	Senate provides \$756,077 in General Revenue for restoring or reclassifying law clerk to staff attorney positions, additional non-attorney staff (1.0 FTE), staff salary increases and operating costs.
Second Court of Appeals, Fort Worth A.1.1, Appellate Court Operations	IV-7 \$ 3,065,465	\$ 3,065,466	IV-7 \$ 2,811,087	\$ 2,811,088	\$ 508,756	Senate provides \$508,756 in General Revenue for an additional attorney (1.0 FTE), staff salary increases, and operating costs.
Third Court of Appeals, Austin A.1.1, Appellate Court Operations	IV-9 \$ 2,680,285	\$ 2,680,286	IV-9 \$ 2,441,919	\$ 2,441,920	\$ 476,732	Senate provides \$476,732 in General Revenue for an additional attorney (1.0 FTE), staff salary increases, and operating costs.
Fourth Court of Appeals, San Antonio A.1.1, Appellate Court Operations	IV-10 \$ 3,038,785	\$ 3,038,786	IV-10 \$ 2,779,864	\$ 2,779,864	\$ 517,843	Senate provides \$756,077 in General Revenue for restoring or reclassifying law clerk to staff attorney positions, additional non-attorney staff (1.0 FTE), staff salary increases and operating costs.

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Fifth Court of Appeals, Dallas A.1.1, Appellate Court Operations	IV-11 \$ 5,456,795	\$ 5,456,793	IV-11 \$ 4,946,733	\$ 4,946,732	\$ 1,020,123	Senate provides \$1,020,123 in General Revenue for staff salary increases and operating costs.
Sixth Court of Appeals, Texarkana A.1.1, Appellate Court Operations	IV-12 \$ 1,455,797	\$ 1,455,797	IV-12 \$ 1,306,854	\$ 1,306,855	\$ 297,885	Senate provides \$297,885 in General Revenue for an additional attorney (1.0 FTE), staff salary increases, and operating costs.
Seventh Court of Appeals, Amarillo A.1.1, Appellate Court Operations	IV-13 \$ 1,794,667	\$ 1,794,668	IV-13 \$ 1,640,896	\$ 1,640,896	\$ 307,543	Senate provides \$307,543 in General Revenue for an additional attorney (1.0 FTE) and staff salary increases.
Eighth Court of Appeals, El Paso A.1.1, Appellate Court Operations	IV-14 \$ 1,484,797	\$ 1,489,917	IV-14 \$ 1,338,135	\$ 1,338,135	\$ 298,444	Senate provides \$285,644 in General Revenue for an additional attorney (1.0 FTE), staff salary increases, and operating costs. Senate also adds \$12,800 in General Revenue for judicial longevity pay for three justices.
Ninth Court of Appeals, Beaumont A.1.1, Appellate Court Operations	IV-16 \$ 1,788,267	\$ 1,788,268	IV-16 \$ 1,637,548	\$ 1,637,548	\$ 301,439	Senate provides \$301,439 in General Revenue for an additional attorney (1.0 FTE) and staff salary increases.

Agency/Item	Senate		House		Biennial Difference	Explanation
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Tenth Court of Appeals, Waco A.1.1, Appellate Court Operations	IV-17 \$ 1,457,957	\$ 1,457,957	IV-17 \$ 1,275,627	\$ 1,275,627	\$ 364,660	Senate provides \$364,660 in General Revenue for an additional attorney (1.0 FTE), staff salary increases, and operating costs.
Eleventh Court of Appeals, Eastland A.1.1, Appellate Court Operations	IV-18 \$ 1,459,797	\$ 1,459,797	IV-18 \$ 1,311,328	\$ 1,311,328	\$ 296,938	Senate provides \$295,978 in General Revenue for an additional attorney (1.0 FTE), staff salary increases, and operating costs. Senate also adds \$960 in General Revenue for judicial longevity pay for one justice.
Twelfth Court of Appeals, Tyler A.1.1, Appellate Court Operations	IV-19 \$ 1,454,457	\$ 1,454,457	IV-19 \$ 1,343,806	\$ 1,343,806	\$ 221,302	Senate provides \$221,302 in General Revenue for attorney salary increases and an additional 1.0 FTE.
Thirteenth Court of Appeals, Corpus Christi-Edinburg A.1.1, Appellate Court Operations	IV-20 \$ 2,689,964	\$ 2,689,965	IV-20 \$ 2,449,895	\$ 2,449,895	\$ 480,139	Senate provides \$468,859 in General Revenue for additional staff (1.5 FTEs), staff salary increases, and operating costs. Senate also adds \$11,280 in General Revenue for judicial longevity pay for two justices.

Agency/Item	<u>Senate</u>		<u>House</u>		Biennial Difference	Explanation
	2010	2011	2010	2011		
Fourteenth Court of Appeals, Houston						
		IV-21		IV-21		
A.1.1, Appellate Court Operations	\$ 4,001,230	\$ 4,006,031	\$ 3,647,728	\$ 3,647,728	\$ 711,805	Senate provides \$699,325 of General Revenue for additional attorney and non-attorney staff (3.0 FTEs), staff salary increases, reclassification of law clerks, and operating costs. Senate also adds \$12,480 in General Revenue for additional judicial longevity pay for two justices.
				XI-15		

Agency/Item	Senate		House		Biennial Difference	Explanation
	2010	2011	2010	2011		
<u>OFFICE OF COURT ADMINISTRATION, TEXAS JUDICIAL COUNCIL</u>		IV-22		IV-22		
A.1.1, Court Administration	\$ 2,576,927	\$ 2,480,944	\$ 2,741,927	\$ 2,480,944	\$ 165,000	House provides: a. \$80,000 to research identifying offenders with mental illness for the purpose of diverting low-level offenders to treatment, where appropriate. b. \$185,000 for a weighted caseload study of constitutional and statutory county courts. Senate provides \$100,000 to research identifying offenders with mental illness for the purpose of diverting low-level offenders to treatment, where appropriate.
A.1.2, Information Technology	\$ 7,083,066	\$ 3,481,407	\$ 7,795,119	\$ 3,443,872	\$ 674,518	House provides: a. \$565,000 for a Judicial Emergency Data Infrastructure (JEDI) project to provide continued computer operations off-site in the event of emergency, including the following components: 1) Appellate Courts (\$415,000), 2) Pilot project for coastal county trial courts (\$50,000), and 3) collaborative software (\$100,000). See also House XI-16 and Senate XI-4. b. \$293,000 for Trial Court Interactive Assistance project to assist pro se litigants (i.e., persons who are representing themselves) by providing a website that includes typical steps necessary to process certain types of civil cases. See Senate XI-4.

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B.1.1, Child Support Courts Program	\$ 6,374,848	\$ 6,383,048	\$ 6,332,848	\$ 6,341,048	\$ 84,000	See also House Rider #5. Senate provides \$183,482 for targeted pay raises for agency IT staff, and additional funding for training, supplies, and telecommunications costs. See also Senate Rider #5. Senate provides funding for increased training costs. [Note: Should Senate amounts be funded, \$150,000 should be transferred from the Child Protection Courts strategy to fund lump sum terminations (\$100,000) and increased travel costs (\$50,000).] See also Senate Rider #15.
B.1.2, Child Protection Courts Program	\$ 2,587,015	\$ 2,585,565	\$ 2,332,641	\$ 2,335,049	\$ 504,890	Senate provides funding to continue operations of one child protection court created by the presiding judges (\$294,890 and 2.0 FTEs), and funding for lump sum terminations, training and mileage reimbursement costs (\$210,000). See also Senate Rider #4 and House Rider #4. [Note: Should Senate amounts be funded, \$150,000 should be transferred to the Child Support Courts Program as noted above.]
Lump Sum Payments for Child Support Courts Program		IV-27, Rider #15 Rider Packet IV-5				Senate includes \$100,000 that may only be used for the purpose of lump sum payments.

Agency/Item	2010 <u>Senate</u> 2011	2010 <u>House</u> 2011	Biennial Difference	Explanation
 XI-4 IX-72 XI-16		See also, House IX-72. House includes a contingency for Senate Bill 1388, relating to process server certification and the establishment of a certification division (\$511,766 and 4.0 FTEs). Funding is contingent upon revenue collections.

Agency/Item	2010	<u>Senate</u>	2011	2010	<u>House</u>	2011	Biennial Difference	Explanation
<u>STATE PROSECUTING ATTORNEY, OFFICE OF THE</u> No Issues		IV-27			IV-27		\$ -	

Agency/Item	Senate		House		Biennial Difference	Explanation
	2010	2011	2010	2011		
<u>STATE LAW LIBRARY</u>		IV-28		IV-28		
A.1.1. Administration and Operations	\$ 1,127,463	\$ 1,126,061	\$ 979,912	\$ 979,912	\$ 293,700	<p>Senate provides \$323,700 in General Revenue for the following purposes:</p> <ul style="list-style-type: none"> a. Additional librarian (1.0 FTE at an annual salary of \$49,000) and expected cost increases for current printed material and current database subscriptions (\$183,127). b. Additional senior library assistant (1.0 FTE at an annual salary of \$36,000) and funding to add new materials to the Library's collection (\$89,573). c. Targeted pay raises for the Library's non-exempt staff (\$51,000). <p>House provides \$30,000 in General Revenue for expected price increases in printed materials and database subscriptions.</p>

Agency/Item	Senate		House		Biennial Difference	Explanation
	2010	2011	2010	2011		
<u>STATE COMMISSION ON JUDICIAL CONDUCT</u>		IV-29		IV-29		
A.1.1. Administration and Enforcement	\$ 1,001,626	\$ 996,626	\$ 912,766	\$ 912,766	\$ 172,720	<p>Senate provides \$177,720 in General Revenue for the following purposes:</p> <ul style="list-style-type: none"> a. Commission meeting travel expenses (\$31,200). b. Convert part-time attorney to full-time status (\$66,920). c. Additional court reporter services (\$10,000). d. Targeted pay raises for attorneys (\$52,000). e. Targeted pay raises for general counsel (\$12,600). f. Lump-sum payment for employee separation (\$5,000). <p>House provides \$5,000 for the biennium to provide additional court reporter services.</p>

Agency/Item	Senate		House		Biennial Difference	Explanation
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<u>JUDICIARY SECTION,</u> <u>COMPTROLLER'S DEPARTMENT</u>		IV-31		IV-30		
D.1.5, Special Prosecution Unit, Walker County	\$ 5,632,565	\$ 5,552,141	\$ 5,364,111	\$ 5,123,687	\$ 696,908	<p>House provides \$160,000 for the biennium from General Revenue to replace older vehicles in the Criminal and Civil Divisions (\$80,000 for each division). See House Rider #4. Also, see House XI-16.</p> <p>Senate provides:</p> <ul style="list-style-type: none"> a. \$289,276 from General Revenue and \$466,908 in All Funds for pay raises for the Criminal, Civil, and Juvenile Divisions. b. \$250,000 from General Revenue to compensate expert witnesses an average of \$20,000 per trial (50 trials) rather than an average of \$15,000 per trial. c. \$140,000 from General Revenue to fund increased fuel costs for the Criminal Division (\$120,000) and the Civil Division (\$20,000). <p>See Senate Rider #4.</p>
D.1.6, Death Penalty Representation	\$ 500,000	\$ 500,000	\$ 323,000	\$ 323,000	\$ 354,000	<p>House reallocated \$177,000 per fiscal year to fund costs of Montgomery County 435th District Court Personnel. Also, House provided this line item with estimated appropriation authority (unlimited appropriations), should county expenses exceed appropriated levels.</p> <p>Senate continues 2008-09 appropriated levels.</p>

Agency/Item	2010 <u>Senate</u> 2011	2010 <u>House</u> 2011	Biennial Difference	Explanation
		XI-16		

Agency/Item	<u>Senate</u>		<u>House</u>		Biennial Difference	Explanation
	2010	2011	2010	2011		
<u>ARTICLE IV, SPECIAL PROVISIONS</u>						
Appellate Court Salary Limits		IV-37 IV-38, Sec. 10 Rider Packet IV-9		IV-37 IV-38, Sec. 10 Rider Packet IV-9		<p>Senate provides salary limits for chief staff attorneys (\$92,400) and staff attorneys (\$79,750) hired or promoted after September 1, 2009 that include a 10% pay raise above existing salary levels. Funding for the targeted pay raise is built into the similar-funding for same-sized courts block grant funds.</p> <p>House continues existing salary limits for chief staff attorneys and staff attorneys hired or promoted after September 1, 2009 of \$84,000 and \$72,500, respectively.</p>
Contingency Appropriation Transfer for Senate Bill 497		IV-39, Sec. 15 Rider Packet IV-9		XI-16		<p>Senate provides appropriation transfer contingent on passage of Senate Bill 497 which transfers \$126,500 in General Revenue appropriated to the OCA for the payment of salary supplements for district judges presiding over multi-district litigation cases to the Comptroller of Public Accounts, Judiciary Section.</p> <p>See also, House XI-16.</p>