

***LEGISLATIVE APPROPRIATIONS REQUEST***

***For Fiscal Years 2020 and 2021***

***Submitted to the  
Office of the Governor, Budget Division  
and the Legislative Budget Board***

***by***

***Third Court of Appeals***

***July 31, 2018***

## Table of Contents

Administrator’s Statement .....	1.A
Organizational Chart .....	1.A.1
Budget Overview .....	1.B
Summary of Base Request by Strategy .....	2.A
Summary of Base Request by Method of Finance .....	2.B
Summary of Base Request by Object of Expense .....	2.C
Operating Costs Detail-Base Request .....	2.C.1
Capital Expenditure Detail .....	2.C.2
Summary of Base Request by Objective Outcomes .....	2.D
Summary of Total Request by Strategy .....	2.F
Summary of Total Request Objective Outcomes .....	2.G
Strategy Request .....	3.A
Rider Revisions and Additions Request .....	3.B
Historically Underutilized Business Supporting Schedule .....	6.A
Current Biennium One-Time Expenditure Schedule .....	6.B
Estimated Total of All Agency Funds Outside the GAA Bill Pattern .....	6.H
Ten Percent Biennial Base Reduction Options Schedule .....	6.I

**Administrator's Statement**

7/30/2018 3:35:15PM

86th Regular Session, Agency Submission, Version 1  
Automated Budget and Evaluation System of Texas (ABEST)

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**223 Third Court of Appeals District, Austin**

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The core function of Texas intermediate appellate courts is to process, review, and decide by written opinion or order appeals from trial courts in both civil and criminal cases. In Fiscal Year 2017, 10,444 cases were added (cases filed, reinstated or remanded) to the dockets of the intermediate appellate courts in the State of Texas. Critical to the courts' ability to effectively resolve these legal disputes and dispose of these appeals, the appellate courts must employ a highly skilled and trained professional workforce, including appellate court lawyers and clerical staff, who assist the justices of the courts in disposing of cases and researching and writing opinions.

During the 79th and 80th Legislative Sessions, the fourteen courts of appeals worked together to develop guideline budgets under a collective framework known as Similar Funding for Same-Sized Courts. This collective approach served to streamline the appellate courts' appropriations process.

In the 81st, 82nd, and 83rd Legislative Sessions, the courts of appeals worked with the Legislature toward meeting their critical personnel needs by seeking full implementation of Similar Funding for Same-Sized Courts. This initiative proved difficult to fully fund, and these legislatures could only partially fund the needs of the courts.

During the 84th Legislative Session, the courts once again sought the funding necessary to fully implement the Similar Funding for Same-Sized Courts initiative and were appreciative when the Legislature fully funded this long-standing request. The courts remain grateful for the Legislature's support in this endeavor. This funding has enhanced the public's access to justice by giving the courts the resources needed to employ and retain a highly skilled and trained professional workforce that can process appeals more accurately and efficiently.

The Third Court of Appeals remains better equipped to provide quality service to Texans in the administration of justice in civil and criminal appeals because of the 84th Legislature's implementation of the Similar Funding for Same-Sized Courts. To maintain a high level of service, it is critical to maintain the guideline budgets at current levels. To achieve the Court's mission, the Third Court of Appeals respectfully requests that current funding levels be maintained in the coming biennium.

**RIDER REQUESTS:**

The Courts also request the following with regard to the across the board riders found in Article IV (p. IV-39):

1. Retain Article IV rider, Sec. 4, Appellate Court Exemptions
2. Retain Article IV rider, Sec. 6, Interagency Contracts for Assigned Judges for Appellate Courts
3. Retain Article IV rider, Sec. 7, Appellate Court Transfer Authority

Historically, the Legislature has granted the courts exemption from certain limitations in the General Appropriations Act. They have also granted the courts the authority to carryover unexpended budget balances between years within the biennium. The flexibility afforded by these measures enhances the courts' management ability, and we seek continuation of these budget features.

**ADDITIONAL STATEMENTS OF SUPPORT:**

In order for the courts of appeals to function efficiently, it is vital that the Office of Court Administration (OCA) be adequately funded. The courts of appeals rely on many of the services provided by OCA and, therefore, the courts of appeals fully support the exceptional items the OCA requests as part of its funding.

**Administrator's Statement**

7/30/2018 3:35:15PM

86th Regular Session, Agency Submission, Version 1  
Automated Budget and Evaluation System of Texas (ABEST)

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**223 Third Court of Appeals District, Austin**

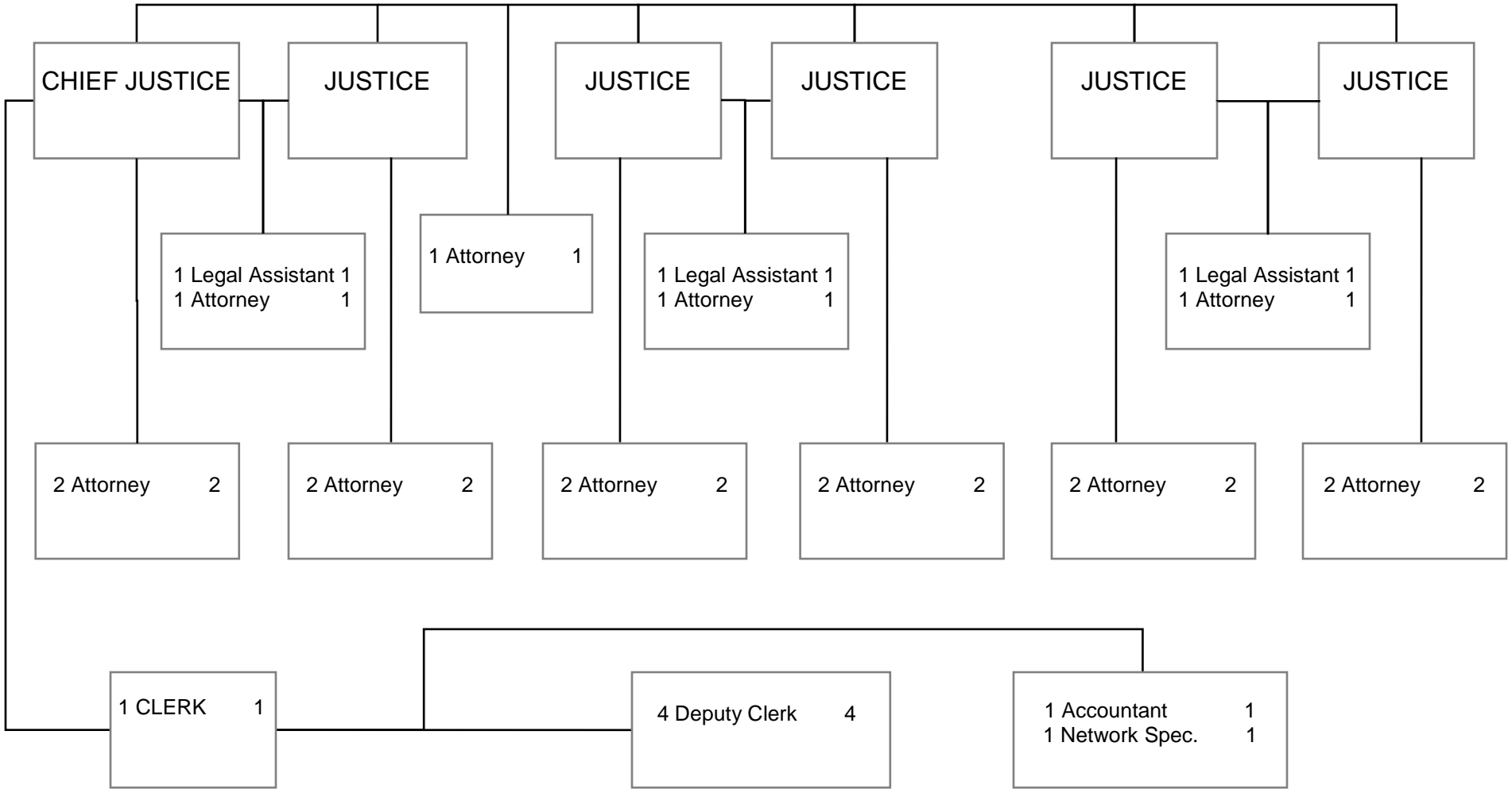
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If the Legislature appropriates a cost of living increase to state employees, the courts of appeals request that all court employees be included in any such cost of living increase.

Finally, the courts of appeals wish to express appreciation to and support for the Judicial Compensation Commission and the Legislature's efforts to strengthen the justice system by increasing judicial salaries to attract and retain a strong judiciary. The courts of appeals request the Legislature implement the Judicial Compensation Commission's recommendations for an increase in judicial compensation.

Note: on Appropriated Receipts – At the direction of the LBB & Governor's Office, this Court has included appropriated receipts in the amount of \$11,000.00 reflecting reimbursement for copies of opinions and other court documents. These amounts are merely an offset for additional expenses incurred by the Court and do not constitute additional funds available for general expenditures for the Court. The amount can vary significantly from year to year.

ORGANIZATION CHART  
THIRD COURT OF APPEALS  
AGENCY 223  
FY 2020-2021





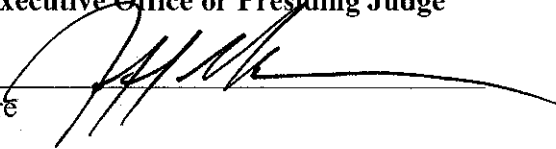
## CERTIFICATE

**Agency Name** Third District Court of Appeals

This is to certify that the information contained in the agency Legislative Appropriations Request filed with the Legislative Budget Board (LBB) and the Governor's Office of Budget, Planning and Policy (GOBPP) is accurate to the best of my knowledge and that the electronic submission to the LBB via the Automated Budget and Evaluation System of Texas (ABEST) and the PDF file submitted via the LBB Document Submission application are identical.

Additionally, should it become likely at any time that unexpended balances will accrue for any account, the LBB and the GOBPP will be notified in writing in accordance with Article IX, Section 7.01 (2018-19 GAA).

**Chief Executive Office or Presiding Judge**

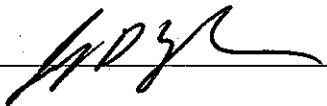
Signature 

Jeff L. Rose  
Printed Name

Chief Justice  
Title

July 31, 2018  
Date

**Chief Financial Officer**

Signature 

Jeffrey D. Kyle  
Printed Name

Clerk of the Court  
Title

July 31, 2018  
Date

**Budget Overview - Biennial Amounts**  
**86th Regular Session, Agency Submission, Version 1**  
Automated Budget and Evaluation System of Texas (ABEST)

223 Third Court of Appeals District, Austin  
Appropriation Years: 2020-21

	GENERAL REVENUE FUNDS		GR DEDICATED		FEDERAL FUNDS		OTHER FUNDS		ALL FUNDS		EXCEPTIONAL ITEM FUNDS	
	2018-19	2020-21	2018-19	2020-21	2018-19	2020-21	2018-19	2020-21	2018-19	2020-21	2020-21	
<b>Goal: 1. Appellate Court Operations</b>												
1.1.1. Appellate Court Operations	5,660,908	5,660,908					459,800	459,800	6,120,708	6,120,708		
<b>Total, Goal</b>	<b>5,660,908</b>	<b>5,660,908</b>					<b>459,800</b>	<b>459,800</b>	<b>6,120,708</b>	<b>6,120,708</b>		
<b>Total, Agency</b>	<b>5,660,908</b>	<b>5,660,908</b>					<b>459,800</b>	<b>459,800</b>	<b>6,120,708</b>	<b>6,120,708</b>		
<b>Total FTEs</b>									<b>32.0</b>	<b>35.0</b>		<b>0.0</b>

2.A. Summary of Base Request by Strategy

7/24/2018 9:25:24AM

86th Regular Session, Agency Submission, Version 1

Automated Budget and Evaluation System of Texas (ABEST)

223 Third Court of Appeals District, Austin

Goal / Objective / STRATEGY	Exp 2017	Est 2018	Bud 2019	Req 2020	Req 2021
<b>1</b> Appellate Court Operations					
<b>1</b> Appellate Court Operations					
<b>1</b> APPELLATE COURT OPERATIONS	3,056,535	3,060,354	3,060,354	3,060,354	3,060,354
TOTAL, GOAL <b>1</b>	<b>\$3,056,535</b>	<b>\$3,060,354</b>	<b>\$3,060,354</b>	<b>\$3,060,354</b>	<b>\$3,060,354</b>
TOTAL, AGENCY STRATEGY REQUEST	<b>\$3,056,535</b>	<b>\$3,060,354</b>	<b>\$3,060,354</b>	<b>\$3,060,354</b>	<b>\$3,060,354</b>
TOTAL, AGENCY RIDER APPROPRIATIONS REQUEST*				\$0	\$0
GRAND TOTAL, AGENCY REQUEST	<b>\$3,056,535</b>	<b>\$3,060,354</b>	<b>\$3,060,354</b>	<b>\$3,060,354</b>	<b>\$3,060,354</b>



2.A. Summary of Base Request by Strategy

7/24/2018 9:25:24AM

86th Regular Session, Agency Submission, Version 1

Automated Budget and Evaluation System of Texas (ABEST)

223 Third Court of Appeals District, Austin

Goal / Objective / STRATEGY	Exp 2017	Est 2018	Bud 2019	Req 2020	Req 2021
<u>METHOD OF FINANCING:</u>					
<b>General Revenue Funds:</b>					
1 General Revenue Fund	2,828,627	2,830,454	2,830,454	2,830,454	2,830,454
<b>SUBTOTAL</b>	<b>\$2,828,627</b>	<b>\$2,830,454</b>	<b>\$2,830,454</b>	<b>\$2,830,454</b>	<b>\$2,830,454</b>
<b>Other Funds:</b>					
573 Judicial Fund	182,900	182,900	182,900	182,900	182,900
666 Appropriated Receipts	13,150	11,000	11,000	11,000	11,000
777 Interagency Contracts	31,858	36,000	36,000	36,000	36,000
<b>SUBTOTAL</b>	<b>\$227,908</b>	<b>\$229,900</b>	<b>\$229,900</b>	<b>\$229,900</b>	<b>\$229,900</b>
<b>TOTAL, METHOD OF FINANCING</b>	<b>\$3,056,535</b>	<b>\$3,060,354</b>	<b>\$3,060,354</b>	<b>\$3,060,354</b>	<b>\$3,060,354</b>

\*Rider appropriations for the historical years are included in the strategy amounts.

**2.B. Summary of Base Request by Method of Finance**  
 86th Regular Session, Agency Submission, Version 1  
 Automated Budget and Evaluation System of Texas (ABEST)

7/25/2018 1:59:13PM

Agency code: <b>223</b>		Agency name: <b>Third Court of Appeals District, Austin</b>				
<b>METHOD OF FINANCING</b>		<b>Exp 2017</b>	<b>Est 2018</b>	<b>Bud 2019</b>	<b>Req 2020</b>	<b>Req 2021</b>
<b><u>GENERAL REVENUE</u></b>						
<b><u>1</u></b> General Revenue Fund						
<i>REGULAR APPROPRIATIONS</i>						
Regular Appropriations from MOF Table (2016-17 GAA)						
		\$2,781,452	\$0	\$0	\$0	\$0
Regular Appropriations from MOF Table (2018-19 GAA)						
		\$0	\$2,830,454	\$2,830,454	\$0	\$0
Regular Appropriations from MOF Table (2020-21 GAA)						
		\$0	\$0	\$0	\$2,830,454	\$2,830,454
<i>TRANSFERS</i>						
Art IX, Sec 18.02, Salary Increase for General State Employees (2016-17)						
		\$39,578	\$0	\$0	\$0	\$0
<i>UNEXPENDED BALANCES AUTHORITY</i>						
Strategy A.1.1, Appellate Court Operations(2016-17 GAA)						
		\$7,597	\$0	\$0	\$0	\$0
<b>TOTAL,</b>	<b>General Revenue Fund</b>	<b>\$2,828,627</b>	<b>\$2,830,454</b>	<b>\$2,830,454</b>	<b>\$2,830,454</b>	<b>\$2,830,454</b>

2.B. Summary of Base Request by Method of Finance

7/25/2018 1:59:13PM

86th Regular Session, Agency Submission, Version 1

Automated Budget and Evaluation System of Texas (ABEST)

Agency code: <b>223</b>	Agency name: <b>Third Court of Appeals District, Austin</b>				
<b>METHOD OF FINANCING</b>	<b>Exp 2017</b>	<b>Est 2018</b>	<b>Bud 2019</b>	<b>Req 2020</b>	<b>Req 2021</b>
<b>TOTAL, ALL GENERAL REVENUE</b>	<b>\$2,828,627</b>	<b>\$2,830,454</b>	<b>\$2,830,454</b>	<b>\$2,830,454</b>	<b>\$2,830,454</b>

**OTHER FUNDS**

**573** Judicial Fund No. 573

*REGULAR APPROPRIATIONS*

Regular Appropriations from MOF Table (2018-19 GAA)

\$0                      \$182,900                      \$182,900                      \$0                      \$0

Regular Appropriations from MOF Table (2016-17 GAA)

\$182,900                      \$0                      \$0                      \$0                      \$0

Regular Appropriations from MOF Table (2020-21 GAA)

\$0                      \$0                      \$0                      \$182,900                      \$182,900

<b>TOTAL, Judicial Fund No. 573</b>	<b>\$182,900</b>	<b>\$182,900</b>	<b>\$182,900</b>	<b>\$182,900</b>	<b>\$182,900</b>
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**666** Appropriated Receipts

*REGULAR APPROPRIATIONS*

Regular Appropriations from MOF Table (2016-17 GAA)

\$16,000                      \$0                      \$0                      \$0                      \$0

**2.B. Summary of Base Request by Method of Finance**  
 86th Regular Session, Agency Submission, Version 1  
 Automated Budget and Evaluation System of Texas (ABEST)

7/25/2018 1:59:13PM

Agency code: <b>223</b>		Agency name: <b>Third Court of Appeals District, Austin</b>				
<b>METHOD OF FINANCING</b>		<b>Exp 2017</b>	<b>Est 2018</b>	<b>Bud 2019</b>	<b>Req 2020</b>	<b>Req 2021</b>
<b><u>OTHER FUNDS</u></b>						
Regular Appropriations from MOF Table (2018-19 GAA)		\$0	\$11,000	\$11,000	\$0	\$0
Regular Appropriations from MOF Table (2020-21 GAA)		\$0	\$0	\$0	\$11,000	\$11,000
<i>LAPSED APPROPRIATIONS</i>						
Lapsed Appropriations		\$(2,850)	\$0	\$0	\$0	\$0
<b>TOTAL,</b>	<b>Appropriated Receipts</b>	<b>\$13,150</b>	<b>\$11,000</b>	<b>\$11,000</b>	<b>\$11,000</b>	<b>\$11,000</b>
<u>777</u> Interagency Contracts						
<i>REGULAR APPROPRIATIONS</i>						
Regular Appropriations from MOF Table (2016-17 GAA)		\$36,000	\$0	\$0	\$0	\$0
Regular Appropriations from MOF Table (2018-19 GAA)		\$0	\$36,000	\$36,000	\$0	\$0

**2.B. Summary of Base Request by Method of Finance**  
 86th Regular Session, Agency Submission, Version 1  
 Automated Budget and Evaluation System of Texas (ABEST)

7/25/2018 1:59:13PM

Agency code: <b>223</b>		Agency name: <b>Third Court of Appeals District, Austin</b>				
<b>METHOD OF FINANCING</b>		<b>Exp 2017</b>	<b>Est 2018</b>	<b>Bud 2019</b>	<b>Req 2020</b>	<b>Req 2021</b>
<b><u>OTHER FUNDS</u></b>						
Regular Appropriations from MOF Table (2020-21 GAA)		\$0	\$0	\$0	\$36,000	\$36,000
<i>LAPSED APPROPRIATIONS</i>						
Lapsed Appropriations		\$(4,142)	\$0	\$0	\$0	\$0
<b>TOTAL,</b>	<b>Interagency Contracts</b>	<b>\$31,858</b>	<b>\$36,000</b>	<b>\$36,000</b>	<b>\$36,000</b>	<b>\$36,000</b>
<b>TOTAL, ALL</b>	<b>OTHER FUNDS</b>	<b>\$227,908</b>	<b>\$229,900</b>	<b>\$229,900</b>	<b>\$229,900</b>	<b>\$229,900</b>
<b>GRAND TOTAL</b>		<b>\$3,056,535</b>	<b>\$3,060,354</b>	<b>\$3,060,354</b>	<b>\$3,060,354</b>	<b>\$3,060,354</b>

**2.B. Summary of Base Request by Method of Finance**

7/25/2018 1:59:13PM

86th Regular Session, Agency Submission, Version 1

Automated Budget and Evaluation System of Texas (ABEST)

Agency code: <b>223</b>	Agency name: <b>Third Court of Appeals District, Austin</b>				
<b>METHOD OF FINANCING</b>	<b>Exp 2017</b>	<b>Est 2018</b>	<b>Bud 2019</b>	<b>Req 2020</b>	<b>Req 2021</b>
<b>FULL-TIME-EQUIVALENT POSITIONS</b>					
REGULAR APPROPRIATIONS					
Regular Appropriations from MOF Table (2016-17 GAA)	34.0	0.0	0.0	0.0	0.0
Regular Appropriations from MOF Table (2018-19 GAA)	0.0	35.0	35.0	0.0	0.0
Regular Appropriations from MOF Table (2020-21 GAA)	0.0	0.0	0.0	35.0	35.0
UNAUTHORIZED NUMBER OVER (BELOW) CAP					
Unauthorized Number Over (Below) Cap	0.3	(2.7)	(3.0)	0.0	0.0
<b>Comments:</b> Court needs and attorney staffing fluctuate, thus, the Court requests that the 2018-19 FTE count of 35 remain unchanged for 2020-21.					
<b>TOTAL, ADJUSTED FTES</b>	<b>34.3</b>	<b>32.3</b>	<b>32.0</b>	<b>35.0</b>	<b>35.0</b>

**NUMBER OF 100% FEDERALLY FUNDED FTEs**

2.C. Summary of Base Request by Object of Expense  
 86th Regular Session, Agency Submission, Version 1  
 Automated Budget and Evaluation System of Texas (ABEST)

7/24/2018 9:32:45AM

223 Third Court of Appeals District, Austin

OBJECT OF EXPENSE	Exp 2017	Est 2018	Bud 2019	BL 2020	BL 2021
1001 SALARIES AND WAGES	\$2,916,571	\$2,899,612	\$2,966,413	\$2,966,413	\$2,966,413
1002 OTHER PERSONNEL COSTS	\$101,322	\$110,541	\$37,152	\$37,452	\$37,752
2003 CONSUMABLE SUPPLIES	\$273	\$2,000	\$6,700	\$6,400	\$6,100
2006 RENT - BUILDING	\$1,080	\$1,080	\$1,080	\$1,080	\$1,080
2009 OTHER OPERATING EXPENSE	\$37,289	\$47,121	\$49,009	\$49,009	\$49,009
<b>OOE Total (Excluding Riders)</b>	<b>\$3,056,535</b>	<b>\$3,060,354</b>	<b>\$3,060,354</b>	<b>\$3,060,354</b>	<b>\$3,060,354</b>
<b>OOE Total (Riders)</b>					
<b>Grand Total</b>	<b>\$3,056,535</b>	<b>\$3,060,354</b>	<b>\$3,060,354</b>	<b>\$3,060,354</b>	<b>\$3,060,354</b>

2.C.1. Operating Costs Detail ~ Base Request

Date: 7/24/2018  
 Time: 9:30:56AM

86th Regular Session, Agency Submission, Version 1  
 Automated Budget and Evaluation System of Texas (ABEST)

Agency Code: 223 Agency: Third Court of Appeals District, Austin

BASE REQUEST STRATEGY: 1-1-1 Appellate Court Operations

Code	Type of Expense	Expended 2017	Estimated 2018	Budgeted 2019	Requested 2020	Requested 2021
2	Postage	\$0	\$0	\$500	\$500	\$500
11	Misc. Operating Costs	22	0	0	0	0
24	Freight/Delivery	5	0	500	500	500
26	Books (expensed)	0	30	0	0	0
64	SORM Assessment	6,704	6,771	7,000	7,000	7,000
177	Janitorial Services	1,800	1,800	1,800	1,800	1,800
187	1% salary benefits fee	28,758	28,737	29,224	29,224	29,224
202	.5% Retirement Contribution	0	9,783	9,985	9,985	9,985
	<b>Total, Operating Costs</b>	<b>\$37,289</b>	<b>\$47,121</b>	<b>\$49,009</b>	<b>\$49,009</b>	<b>\$49,009</b>



### Capital Expenditure Detail

<b>Agency Code:</b> 223	<b>Court/Agency:</b> Third Court of Appeals	<b>Strategy:</b> Appellate Court Operations			<b>Prepared by:</b> Jeffrey D. Kyle		<b>Date:</b> 7/19/2018	<b>Strategy:</b> 1
Itemization by Capital Expenditure Category		Number of Units	Unit Cost	Expended FY 2017	Estimated FY 2018	Budgeted FY 2019	Requested FY 2020	Requested FY 2021
Category	Description of Items							
N/A	N/A							
	TOTAL							
GRAND TOTAL: CAPITAL EXPENDITURES								

**2.D. Summary of Base Request Objective Outcomes**  
 86th Regular Session, Agency Submission, Version 1  
 Automated Budget and Evaluation system of Texas (ABEST)

7/26/2018 2:20:09PM

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**223 Third Court of Appeals District, Austin**

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Goal/ Objective / Outcome	Exp 2017	Est 2018	Bud 2019	BL 2020	BL 2021
1 Appellate Court Operations					
1 Appellate Court Operations					
<b>KEY</b> <b>1 Clearance Rate</b>					
	103.99%	100.00%	100.00%	100.00%	100.00%
<b>KEY</b> <b>2 Percentage of Cases Under Submission for Less Than One Year</b>					
	88.84%	95.00%	100.00%	100.00%	100.00%
<b>KEY</b> <b>3 Percentage of Cases Pending for Less Than Two Years</b>					
	97.53%	100.00%	100.00%	100.00%	100.00%

**2.F. Summary of Total Request by Strategy**  
 86th Regular Session, Agency Submission, Version 1  
 Automated Budget and Evaluation System of Texas (ABEST)

DATE : 7/24/2018  
 TIME : 10:29:48AM

Agency code: 223 Agency name: Third Court of Appeals District, Austin

<b>Goal/Objective/STRATEGY</b>	<b>Base 2020</b>	<b>Base 2021</b>	<b>Exceptional 2020</b>	<b>Exceptional 2021</b>	<b>Total Request 2020</b>	<b>Total Request 2021</b>
<b>1</b> Appellate Court Operations						
1 <i>Appellate Court Operations</i>						
1 APPELLATE COURT OPERATIONS	\$3,060,354	\$3,060,354	\$0	\$0	\$3,060,354	\$3,060,354
<b>TOTAL, GOAL 1</b>	<b>\$3,060,354</b>	<b>\$3,060,354</b>	<b>\$0</b>	<b>\$0</b>	<b>\$3,060,354</b>	<b>\$3,060,354</b>
<b>TOTAL, AGENCY STRATEGY REQUEST</b>	<b>\$3,060,354</b>	<b>\$3,060,354</b>	<b>\$0</b>	<b>\$0</b>	<b>\$3,060,354</b>	<b>\$3,060,354</b>
<b>TOTAL, AGENCY RIDER APPROPRIATIONS REQUEST</b>						
<b>GRAND TOTAL, AGENCY REQUEST</b>	<b>\$3,060,354</b>	<b>\$3,060,354</b>	<b>\$0</b>	<b>\$0</b>	<b>\$3,060,354</b>	<b>\$3,060,354</b>

**2.F. Summary of Total Request by Strategy**  
 86th Regular Session, Agency Submission, Version 1  
 Automated Budget and Evaluation System of Texas (ABEST)

DATE : 7/24/2018  
 TIME : 10:29:48AM

Agency code: 223 Agency name: Third Court of Appeals District, Austin

<b>Goal/Objective/STRATEGY</b>	<b>Base 2020</b>	<b>Base 2021</b>	<b>Exceptional 2020</b>	<b>Exceptional 2021</b>	<b>Total Request 2020</b>	<b>Total Request 2021</b>
<b>General Revenue Funds:</b>						
1 General Revenue Fund	\$2,830,454	\$2,830,454	\$0	\$0	\$2,830,454	\$2,830,454
	<b>\$2,830,454</b>	<b>\$2,830,454</b>	<b>\$0</b>	<b>\$0</b>	<b>\$2,830,454</b>	<b>\$2,830,454</b>
<b>Other Funds:</b>						
573 Judicial Fund	182,900	182,900	0	0	182,900	182,900
666 Appropriated Receipts	11,000	11,000	0	0	11,000	11,000
777 Interagency Contracts	36,000	36,000	0	0	36,000	36,000
	<b>\$229,900</b>	<b>\$229,900</b>	<b>\$0</b>	<b>\$0</b>	<b>\$229,900</b>	<b>\$229,900</b>
<b>TOTAL, METHOD OF FINANCING</b>	<b>\$3,060,354</b>	<b>\$3,060,354</b>	<b>\$0</b>	<b>\$0</b>	<b>\$3,060,354</b>	<b>\$3,060,354</b>
<b>FULL TIME EQUIVALENT POSITIONS</b>	<b>35.0</b>	<b>35.0</b>	<b>0.0</b>	<b>0.0</b>	<b>35.0</b>	<b>35.0</b>

**2.G. Summary of Total Request Objective Outcomes**  
 86th Regular Session, Agency Submission, Version 1  
 Automated Budget and Evaluation system of Texas (ABEST)

Date : 7/24/2018  
 Time: 9:38:09AM

Agency code: 223

Agency name: Third Court of Appeals District, Austin

Goal/ Objective / Outcome

	BL 2020	BL 2021	Excp 2020	Excp 2021	Total Request 2020	Total Request 2021
1 Appellate Court Operations						
1 Appellate Court Operations						
<b>KEY 1 Clearance Rate</b>						
	100.00%	100.00%			100.00%	100.00%
<b>KEY 2 Percentage of Cases Under Submission for Less Than One Year</b>						
	100.00%	100.00%			100.00%	100.00%
<b>KEY 3 Percentage of Cases Pending for Less Than Two Years</b>						
	100.00%	100.00%			100.00%	100.00%

**223 Third Court of Appeals District, Austin**

GOAL: 1 Appellate Court Operations  
 OBJECTIVE: 1 Appellate Court Operations  
 STRATEGY: 1 Appellate Court Operations

Service Categories:  
 Service: 01      Income: A.2      Age: B.3

CODE	DESCRIPTION	Exp 2017	Est 2018	Bud 2019	BL 2020	BL 2021
<b>Output Measures:</b>						
1	Number of Civil Cases Disposed	547.00	526.00	542.00	542.00	542.00
2	Number of Criminal Cases Disposed	265.00	256.00	272.00	272.00	272.00
<b>Explanatory/Input Measures:</b>						
1	Number of Civil Cases Filed	621.00	606.00	617.00	617.00	617.00
2	Number of Criminal Cases Filed	374.00	310.00	335.00	335.00	335.00
3	Number of Cases Transferred in	0.00	40.00	0.00	0.00	0.00
4	Number of Cases Transferred out	193.00	198.00	138.00	138.00	138.00
<b>Objects of Expense:</b>						
1001	SALARIES AND WAGES	\$2,916,571	\$2,899,612	\$2,966,413	\$2,966,413	\$2,966,413
1002	OTHER PERSONNEL COSTS	\$101,322	\$110,541	\$37,152	\$37,452	\$37,752
2003	CONSUMABLE SUPPLIES	\$273	\$2,000	\$6,700	\$6,400	\$6,100
2006	RENT - BUILDING	\$1,080	\$1,080	\$1,080	\$1,080	\$1,080
2009	OTHER OPERATING EXPENSE	\$37,289	\$47,121	\$49,009	\$49,009	\$49,009
<b>TOTAL, OBJECT OF EXPENSE</b>		<b>\$3,056,535</b>	<b>\$3,060,354</b>	<b>\$3,060,354</b>	<b>\$3,060,354</b>	<b>\$3,060,354</b>
<b>Method of Financing:</b>						
1	General Revenue Fund	\$2,828,627	\$2,830,454	\$2,830,454	\$2,830,454	\$2,830,454

**223 Third Court of Appeals District, Austin**

GOAL: 1 Appellate Court Operations  
 OBJECTIVE: 1 Appellate Court Operations  
 STRATEGY: 1 Appellate Court Operations

Service Categories:

Service: 01      Income: A.2      Age: B.3

CODE	DESCRIPTION	Exp 2017	Est 2018	Bud 2019	BL 2020	BL 2021
<b>SUBTOTAL, MOF (GENERAL REVENUE FUNDS)</b>		<b>\$2,828,627</b>	<b>\$2,830,454</b>	<b>\$2,830,454</b>	<b>\$2,830,454</b>	<b>\$2,830,454</b>
<b>Method of Financing:</b>						
573	Judicial Fund	\$182,900	\$182,900	\$182,900	\$182,900	\$182,900
666	Appropriated Receipts	\$13,150	\$11,000	\$11,000	\$11,000	\$11,000
777	Interagency Contracts	\$31,858	\$36,000	\$36,000	\$36,000	\$36,000
<b>SUBTOTAL, MOF (OTHER FUNDS)</b>		<b>\$227,908</b>	<b>\$229,900</b>	<b>\$229,900</b>	<b>\$229,900</b>	<b>\$229,900</b>
<b>TOTAL, METHOD OF FINANCE (INCLUDING RIDERS)</b>					<b>\$3,060,354</b>	<b>\$3,060,354</b>
<b>TOTAL, METHOD OF FINANCE (EXCLUDING RIDERS)</b>		<b>\$3,056,535</b>	<b>\$3,060,354</b>	<b>\$3,060,354</b>	<b>\$3,060,354</b>	<b>\$3,060,354</b>
<b>FULL TIME EQUIVALENT POSITIONS:</b>		<b>34.3</b>	<b>32.3</b>	<b>32.0</b>	<b>35.0</b>	<b>35.0</b>

**STRATEGY DESCRIPTION AND JUSTIFICATION:**

The Court of Appeals for the Third District of Texas was created in 1892 by an Act of the 22nd Legislature, 1st C.J., P. 25, ch. 15; Gammel's Laws of Texas, Vol. 10, Page 389. This Court has intermediate appellate jurisdiction of both civil and criminal cases appealed from lower courts; in civil cases where judgment rendered exceeds \$100, exclusive of costs, and other civil proceedings as provided by law; and in criminal cases except in post-conviction writs of habeas corpus and where the death penalty has been imposed. The Court reviews State of Texas administrative law appeals from cases throughout the state.

**223 Third Court of Appeals District, Austin**

GOAL: 1 Appellate Court Operations  
 OBJECTIVE: 1 Appellate Court Operations  
 STRATEGY: 1 Appellate Court Operations

Service Categories:  
 Service: 01      Income: A.2      Age: B.3

CODE	DESCRIPTION	Exp 2017	Est 2018	Bud 2019	BL 2020	BL 2021
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**EXTERNAL/INTERNAL FACTORS IMPACTING STRATEGY:**

The citizens of Texas have an absolute right to appeal and seek review of a trial court judgment in the intermediate courts of appeal. This Court does not have discretion to decline appellate review. The Court strives to administer justice and to render a thorough and fair decision in each case on its docket as expeditiously as possible.

**EXPLANATION OF BIENNIAL CHANGE (includes Rider amounts):**

<u>STRATEGY BIENNIAL TOTAL - ALL FUNDS</u>		<u>BIENNIAL</u>	<u>EXPLANATION OF BIENNIAL CHANGE</u>	
<u>Base Spending (Est 2018 + Bud 2019)</u>	<u>Baseline Request (BL 2020 + BL 2021)</u>	<u>CHANGE</u>	<u>\$ Amount</u>	<u>Explanation(s) of Amount (must specify MOFs and FTEs)</u>
\$6,120,708	\$6,120,708	\$0	\$0	<b>Total of Explanation of Biennial Change</b>



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**SUMMARY TOTALS:**

<b>OBJECTS OF EXPENSE:</b>	<b>\$3,056,535</b>	<b>\$3,060,354</b>	<b>\$3,060,354</b>	<b>\$3,060,354</b>	<b>\$3,060,354</b>
<b>METHODS OF FINANCE (INCLUDING RIDERS):</b>				<b>\$3,060,354</b>	<b>\$3,060,354</b>
<b>METHODS OF FINANCE (EXCLUDING RIDERS):</b>	<b>\$3,056,535</b>	<b>\$3,060,354</b>	<b>\$3,060,354</b>	<b>\$3,060,354</b>	<b>\$3,060,354</b>
<b>FULL TIME EQUIVALENT POSITIONS:</b>	<b>34.3</b>	<b>32.3</b>	<b>32.0</b>	<b>35.0</b>	<b>35.0</b>

### 3.B. Rider Revisions and Additions Request

<b>Agency Code:</b> 223	<b>Agency Name:</b> Third Court of Appeals	<b>Prepared By:</b> Jeffrey D. Kyle	<b>Date:</b> July 31, 2018	<b>Request Level:</b> Baseline
<b>Current Rider Number</b>	<b>Page Number in 2018-19 GAA</b>	<b>Proposed Rider Language</b>		
6	IV-39	<p><b>Sec. 6. Interagency Contracts for Assigned Judges for Appellate Courts.</b> Out of funds appropriated in this Article to Strategies A.1.1., Appellate Court Operations, the Supreme Court of Texas, the Court of Criminal Appeals, or any of the 14 Courts of Appeals may enter into a contract with the Office of the Comptroller for fiscal years <del>2018</del><u>2020</u> and <del>2019</del><u>2021</u>, for the purpose of reimbursing the Comptroller for amounts expended for judges assigned under Chapter 74, Government Code to hear cases of the appellate courts. It is the intent of the Legislature that any amounts reimbursed under this contract for judges assigned to the appellate courts are in addition to amounts appropriated for the use of assigned judges in Strategy A.1.3. Visiting Judges – Appellate in the Judiciary Section, Comptroller’s Department.</p> <p><i>Updating rider to adjust the years for the 2020-2021 biennium.</i></p>		

**6.A. Historically Underutilized Business Supporting Schedule**  
 86th Regular Session, Agency Submission, Version 1  
 Automated Budget and Evaluation System of Texas (ABEST)

Date: 7/25/2018  
 Time: 9:00:43AM

Agency Code: 223      Agency: Third Court of Appeals District, Austin

COMPARISON TO STATEWIDE HUB PROCUREMENT GOALS

**A. Fiscal Year 2016 - 2017 HUB Expenditure Information**

Statewide HUB Goals	Procurement Category	% Goal	HUB Expenditures FY 2016			Total Expenditures FY 2016		HUB Expenditures FY 2017			Total Expenditures FY 2017	
			% Actual	Diff	Actual \$	% Goal	% Actual	Diff	Actual \$	% Goal	% Actual	Diff
11.2%	Heavy Construction	0.0 %	0.0%	0.0%	\$0	\$0	0.0 %	0.0%	0.0%	\$0	\$0	
21.1%	Building Construction	0.0 %	0.0%	0.0%	\$0	\$0	0.0 %	0.0%	0.0%	\$0	\$0	
32.9%	Special Trade	0.0 %	0.0%	0.0%	\$0	\$0	0.0 %	0.0%	0.0%	\$0	\$0	
23.7%	Professional Services	0.0 %	0.0%	0.0%	\$0	\$0	0.0 %	0.0%	0.0%	\$0	\$0	
26.0%	Other Services	0.0 %	83.1%	83.1%	\$1,800	\$2,165	0.0 %	99.8%	99.8%	\$1,800	\$1,804	
21.1%	Commodities	0.0 %	17.9%	17.9%	\$2,120	\$11,816	0.0 %	82.9%	82.9%	\$92	\$111	
	<b>Total Expenditures</b>		<b>28.0%</b>		<b>\$3,920</b>	<b>\$13,981</b>		<b>98.8%</b>		<b>\$1,892</b>	<b>\$1,915</b>	

**B. Assessment of Fiscal Year 2016 - 2017 Efforts to Meet HUB Procurement Goals**

**Attainment:**

The Court attained 75%, of the applicable state wide HUB goals in fiscal year 2016 and 2017.

**Applicability:**

In both fiscal years 2016 and 2017 the procurement categories of Heavy Construction, Building Construction, Special Trade Construction, and Professional Services were not applicable to the Court's operations.

**Factors Affecting Attainment:**

In fiscal years 2016 the goal of "Commodities" was not met by the Court since the largest dollar purchase was made for furniture purchased through a Texas Smart Buy contract for best price.

**"Good-Faith" Efforts:**

The Court has always made every effort to make purchases and obtain services from qualified HUB vendors. That is not always possible since, being a small Court with 97% of its budget spent on salaries, it is very important that best price and value be taken into consideration. Our large technological budget is funded and administered through the Office of Court Administration and is not reflected in this Court's HUB report. All factors continuing to be equal, this Court will continue to use TIBH (as required in Chapter 122 of the Texas Human Resources Code) whenever possible, strive to enter into business with HUBs as often as possible, and attempt to reach the state goal each fiscal year.

### 6.B. Current Biennium One-time Expenditure Schedule

<b>Agency Code:</b> 223	<b>Agency Name:</b> Third Court of Appeals	<b>Prepared By:</b> Jeffrey D. Kyle	<b>Date:</b> 7/19/2018	
Item	2018-2019 Est/Bud		2020-21 Baseline Request	
	Amount	MOF	Amount	MOF
N/A				

**6.H. Estimated Total of All Agency Funds Outside the GAA Bill Pattern**  
**Third Court of Appeals**

<b>ESTIMATED GRAND TOTAL OF AGENCY FUNDS OUTSIDE THE 2020-21 GAA BILL PATTERN</b>	<b>\$</b>	<b>670,784</b>
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<u><b>Fund Name</b></u>		
Estimated Beginning Balance in FY 2018	\$	138,704
Estimated Revenues FY 2018	\$	230,000
Estimated Revenues FY 2019	\$	230,000
<b>FY 2014-15 Total</b>	<b>\$</b>	<b>598,704</b>
Estimated Beginning Balance in FY 2020	\$	210,784
Estimated Revenues FY 2020	\$	230,000
Estimated Revenues FY 2021	\$	230,000
<b>FY 2016-17 Total</b>	<b>\$</b>	<b>670,784</b>
<b>Constitutional or Statutory Creation and Use of Funds:</b>		
Sub Chapter C, Sec. 22.2041 Tex Gov't Code and Sec. 659.021 Tex. Gov't Code		
<b>Method of Calculation and Revenue Assumptions:</b>		
In accordance with the above referenced statute, the District and County Clerks of the various courts in the 24 counties that make up the Third Court of Appeals' District are to collect and remit a \$5.00 filing fee on each civil suit filed in a county court, county court-at-law, probate court or district court.		

**6.I. Percent Biennial Base Reduction Options**

**10 % REDUCTION**

86th Regular Session, Agency Submission, Version 1  
Automated Budget and Evaluation System of Texas (ABEST)

Date: 7/24/2018  
Time: 9:58:03AM

Agency code: 223 Agency name: Third Court of Appeals District, Austin

Item Priority and Name/ Method of Financing	REVENUE LOSS			REDUCTION AMOUNT			PROGRAM AMOUNT		TARGET
	2020	2021	Biennial Total	2020	2021	Biennial Total	2020	2021	Biennial Total

**1 10 Percent Reduction - First 2.5 Percent**

**Category:** Programs - Service Reductions (FTEs-Layoffs)

**Item Comment:** A 2.5% reduction would result in the loss of 1 staff attorney position and a lowering of the Court's clearance rate to 95%.

The core function of the state courts of appeals is to process, review and decide by written opinion or order appeals from criminal and civil trial courts. This requires a highly skilled and trained professional workforce, including appellate court lawyers and clerical staff, who assist the justices of the court in researching, writing opinions, and disposing of cases. Consequently, approximately 97% of the Court's appropriated budget is dedicated to salaries. Because the majority of the Court's funding is dedicated to salaries, a reduction can only be achieved through eliminating existing personnel. A 2.5% reduction in the Court's appropriated biennial budget, which amounts to \$141,523, will require the Court to eliminate 1 staff attorney position, representing 6% of the Court's legal staff. To prevent a backlog of cases and maintain minimum disposition and clearance rates, this Court must maintain its current staffing levels.

Strategy: 1-1-1 Appellate Court Operations

General Revenue Funds

1 General Revenue Fund	\$0	\$0	\$0	\$70,761	\$70,762	\$141,523
<b>General Revenue Funds Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$70,761</b>	<b>\$70,762</b>	<b>\$141,523</b>
<b>Item Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$70,761</b>	<b>\$70,762</b>	<b>\$141,523</b>

**FTE Reductions (From FY 2020 and FY 2021 Base Request)** 1.0 1.0

**2 10 Percent Reduction - Second 2.5 Percent**

**Category:** Programs - Service Reductions (FTEs-Layoffs)

**Item Comment:** An additional 2.5% reduction (5% Total Reduction) would include the losses under item #1 (1 staff attorney position) and result in the loss of an additional .5 staff attorney position, a clearance rate decrease to 91%, and increase the time for which appeals remain pending during the biennium.

This reduction in the Court's appropriated biennial budget, which amounts to \$283,046, will require the Court to eliminate 1.5 staff attorney positions, representing 9% of the Court's legal staff. To prevent a backlog of cases and maintain minimum disposition and clearance rates, this Court must maintain its current staffing levels.

**6.I. Percent Biennial Base Reduction Options**

**10 % REDUCTION**

86th Regular Session, Agency Submission, Version 1  
Automated Budget and Evaluation System of Texas (ABEST)

Date: 7/24/2018  
Time: 9:58:03AM

Agency code: 223 Agency name: Third Court of Appeals District, Austin

Item Priority and Name/ <u>Method of Financing</u>	REVENUE LOSS			REDUCTION AMOUNT			PROGRAM AMOUNT		TARGET
	2020	2021	Biennial Total	2020	2021	Biennial Total	2020	2021	Biennial Total

Strategy: 1-1-1 Appellate Court Operations

General Revenue Funds

1 General Revenue Fund	\$0	\$0	\$0	\$70,761	\$70,762	\$141,523			
<b>General Revenue Funds Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$70,761</b>	<b>\$70,762</b>	<b>\$141,523</b>			
<b>Item Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$70,761</b>	<b>\$70,762</b>	<b>\$141,523</b>			

**FTE Reductions (From FY 2020 and FY 2021 Base Request)** **0.5**      **0.5**

**3 10 Percent Reduction - Third 2.5 Percent**

**Category:** Programs - Service Reductions (FTEs-Layoffs)

**Item Comment:** A further 2.5% reduction (7.5% Total Reduction) would necessitate the losses under item #1 and 2 (1.5 staff attorney positions) and result in the loss of 1 additional staff attorney position, lowering the clearance rate to 84%, and increasing the time for which appeals remain pending during the biennium.

This reduction in the Court's appropriated biennial budget, which amounts to \$424,569, will require the Court to eliminate 2.5 staff attorney positions, representing 16% of the Court's legal staff. To prevent a backlog of cases and maintain minimum disposition and clearance rates, this Court must maintain its current staffing levels.

Strategy: 1-1-1 Appellate Court Operations

General Revenue Funds

1 General Revenue Fund	\$0	\$0	\$0	\$70,761	\$70,762	\$141,523			
<b>General Revenue Funds Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$70,761</b>	<b>\$70,762</b>	<b>\$141,523</b>			

**6.I. Percent Biennial Base Reduction Options**

**10 % REDUCTION**

86th Regular Session, Agency Submission, Version 1  
Automated Budget and Evaluation System of Texas (ABEST)

Date: 7/24/2018  
Time: 9:58:03AM

Agency code: 223 Agency name: **Third Court of Appeals District, Austin**

Item Priority and Name/ <u>Method of Financing</u>	REVENUE LOSS			REDUCTION AMOUNT			PROGRAM AMOUNT		TARGET
	2020	2021	Biennial Total	2020	2021	Biennial Total	2020	2021	Biennial Total
<b>Item Total</b>	\$0	\$0	\$0	\$70,761	\$70,762	\$141,523			
<b>FTE Reductions (From FY 2020 and FY 2021 Base Request)</b>					<b>1.0</b>	<b>1.0</b>			
<b>4 10 Percent Reduction</b>									
<b>Category:</b> Programs - Service Reductions (FTEs-Layoffs)									
<b>Item Comment:</b> A full 10% reduction would include the losses under item #1, 2, and 3 (2.5 staff attorney positions) and result in the loss of an additional .5 staff attorney position, lowering the clearance rate to 81%, and increasing the time for which appeals remain pending during the biennium. The core function of the state courts of appeals is to process, review and decide by written opinion or order appeals from criminal and civil trial courts. This requires a highly skilled and trained professional workforce, including appellate court lawyers and clerical staff, who assist the justices of the court in researching, writing opinions, and disposing of cases. Consequently, approximately 97% of the Court's appropriated budget is dedicated to salaries. Because the majority of the Court's funding is dedicated to salaries, a reduction can only be achieved through eliminating existing personnel. A 10% reduction in the Courts appropriated biennial budget, which amounts to \$566,091, will require the Court to eliminate 3 staff attorney positions, representing 19% of the Court's legal staff. To prevent a backlog of cases and maintain minimum disposition and clearance rates, this Court must maintain its current staffing levels.									
Strategy: 1-1-1 Appellate Court Operations									
<u>General Revenue Funds</u>									
1 General Revenue Fund	\$0	\$0	\$0	\$70,761	\$70,761	\$141,522			
<b>General Revenue Funds Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$70,761</b>	<b>\$70,761</b>	<b>\$141,522</b>			
<b>Item Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$70,761</b>	<b>\$70,761</b>	<b>\$141,522</b>			
<b>FTE Reductions (From FY 2020 and FY 2021 Base Request)</b>					<b>0.5</b>	<b>0.5</b>			
<b>AGENCY TOTALS</b>									
<b>General Revenue Total</b>				<b>\$283,044</b>	<b>\$283,047</b>	<b>\$566,091</b>			<b>\$566,091</b>



**6.I. Percent Biennial Base Reduction Options**

**10 % REDUCTION**

86th Regular Session, Agency Submission, Version 1  
Automated Budget and Evaluation System of Texas (ABEST)

Date: 7/24/2018  
Time: 9:58:03AM

Agency code: 223 Agency name: **Third Court of Appeals District, Austin**

Item Priority and Name/ <u>Method of Financing</u>	REVENUE LOSS			REDUCTION AMOUNT			PROGRAM AMOUNT		TARGET
	2020	2021	Biennial Total	2020	2021	Biennial Total	2020	2021	Biennial Total
<b>Agency Grand Total</b>	\$0	\$0	\$0	\$283,044	\$283,047	\$566,091			\$566,091
<b>Difference, Options Total Less Target</b>									
Agency FTE Reductions (From FY 2020 and FY 2021 Base Request)				3.0	3.0				
<b>Article Total</b>				\$283,044	\$283,047	\$566,091			
<b>Statewide Total</b>				\$283,044	\$283,047	\$566,091			