



LEGISLATIVE BUDGET BOARD

2022–23 Legislative Appropriation Request

**Instructions for Appellate Courts
and Judicial Branch Agencies
for the Biennium Beginning September 1, 2021**

**LEGISLATIVE BUDGET BOARD STAFF
OFFICE OF THE GOVERNOR, BUDGET DIVISION**

LEGISLATIVE APPROPRIATION REQUEST INSTRUCTIONS FOR APPELLATE COURTS AND JUDICIAL BRANCH AGENCIES

Appellate courts and judicial branch agencies must refer to the *2022–23 Legislative Appropriations Request (LAR) Detailed Instructions* (August 2020) for general budget instructions and the *LAR Submission Schedule* (August 2020) for due dates, both of which are available on the Legislative Budget Board (LBB) website at www.lbb.state.tx.us/Agencies_Portal.aspx → Data Entry Applications → Instructions → Legislative Appropriations Request.

BASELINE REQUEST AND EXCEPTIONAL ITEMS

General Revenue Funds and General Revenue–Dedicated Funds baseline appropriations requests should be limited to the amounts approved by the LBB and the Office of the Governor, Budget Division. A policy letter regarding baseline levels will be posted, when available, on the LBB website at www.lbb.state.tx.us/Agencies_Portal.aspx → Data Entry Applications → Instructions → Legislative Appropriations Request.

HIGHLIGHTS AND WHAT'S NEW**ELECTRONIC SUBMISSIONS**

- All agencies, institutions of higher education, and appellate courts and judicial branch agencies should: (1) include their Dual Submission certification in the PDF submitted through the LBB application Document Submissions located on the LBB's website at docs.lbb.state.tx.us/; and (2) submit a copy to the Office of the Governor, Budget Division, at budgetandpolicyreports@gov.texas.gov.
- All agencies, institutions of higher education, and appellate courts and judicial branch agencies are no longer required to submit one bound paper copy of the LAR submission to the Department of Information Resources (DIR) or Bond Review Board (BRB). DIR and BRB will accept PDF submissions emailed to, respectively, policy@dir.texas.gov and capital@brb.texas.gov.

NEW SCHEDULES, MODIFICATIONS, AND NOTES

- **Administrator's Statement.** All agencies, institutions of higher education, and appellate courts and judicial branch agencies may now include a maximum of four pages of graphics, such as charts and tables, with the Administrator's Statement.
- **Program-level Request Schedule.** Schedule 3.A.1 Program-level Request is required from each agency and court. The spreadsheet template has been modified to require each agency and court to rank programs by priority and to provide text describing the agency's or court's methodology or approach to program prioritization. Additionally, the template has been modified to include fields to identify legal authority for each program.
- **Coronavirus (COVID-19).** Report expenditures related to COVID-19 disaster response and recovery activities in 6.G. Homeland Security Funding Schedule, Part C: COVID-19 Related Expenditures. Identify the Catalog of Federal Domestic Assistance (CFDA) number for each source of Federal Funds. In ABEST, CFDA's of Federal Funds specific to COVID-19 response will have a "119" extension (i.e. xx.xxx.119).
- **Exceptional Item Request Schedule 4.A:** If an exceptional item request contains information technology (IT) components, agencies should provide additional information, including a description and status of the new or existing project, outcomes and outputs, a detailed breakdown of budgeted and estimated IT costs, and a brief analysis of project alternatives, scalability and adjusted costs related to the scalability.
- **Relevant Legislation for Fiscal Years 2020 and 2021.** Consistent with the approach taken in previous years, the following appellate courts and judicial branch agencies should adjust the 2020 and 2021 appropriated amounts, as reflected in the Conference Committee Report on House Bill 1 (May 2019), for the following:
 - **Supreme Court of Texas and Court of Criminal Appeals**
House Bill 2384, Eighty-sixth Legislature, 2019; and
General Appropriations Act 2020-21, Article IX, §18.95;
 - **Office of Court Administration**
House Bill 2384, Eighty-sixth Legislature, 2019;
House Bill 3040, Eighty-sixth Legislature, 2019;
Senate Bill 891, Eighty-sixth Legislature, 2019; and
Senate Bill 560, Eighty-sixth Legislature, 2019;
 - **14 Court of Appeals Districts and the Office of State Prosecuting Attorney**
House Bill 2384, Eighty-sixth Legislature, 2019;
 - **Judiciary Section, Comptroller's Department**
House Bill 2384, Eighty-sixth Legislature, 2019;
Senate Bill 891, Eighty-sixth Legislature, 2019; and
Senate Bill 346, Eighty-sixth Legislature, 2019.

SPECIAL INSTRUCTIONS FOR THE SPECIAL PROSECUTION UNIT

As a unit of county government with sources of funding from the state, the Special Prosecution Unit (SPU) must provide a budget request that complies with the LAR submission instructions for appellate courts, which appear on page 1 of these instructions. However, because SPU does not have access to the Automated Budget and Evaluation System of Texas (ABEST), word-processing and spreadsheet schedules that closely resemble the ABEST forms are sufficient submissions. A copy of this request must be sent to the LBB and the Office of the Governor, Budget Division. The SPU also must coordinate closely with the Judiciary Section of the Comptroller's Office, so that the Judiciary Section can incorporate relevant fiscal data into its LAR. Performance measure data relating to budget requests should be submitted by SPU and will not be included in the Judiciary Section's LAR.

APPELLATE COURT AND JUDICIAL BRANCH AGENCY EMAILED FORMS

Each appellate court and judicial branch agency's budget request may contain the following word processing forms, spreadsheet forms, and ABEST-generated reports (as necessary). Word-processing and spreadsheet forms should be emailed to the Office of the Governor (budgetandpolicyreports@gov.texas.gov) and included in the searchable PDF submitted through the LBB Documents Submissions application (docs.lbb.state.tx.us).

Those forms should include:

- organization chart – word-processing form;
- Program-level Request Schedule – spreadsheet form;
- Rider Revisions and Additions Request – word-processing form (only from courts or judicial branch agencies requesting changes);
- Capital Expenditure Detail – spreadsheet form (from appellate courts and all judicial branch agencies without capital budget riders);
- Current Biennium Onetime Expenditure Schedule – spreadsheet form; and
- Estimated Total of All Funds Outside the General Appropriations Act (Supreme Court of Texas, 14 Courts of Appeals).

Other supporting forms submitted in ABEST include the following:

- Administrators Statement;
- Capital Budget Supporting Schedules (Office of Court Administration only);
- Historically Underutilized Business (HUB) Supporting Schedule;
- Federal Funds Supporting Schedule (Supreme Court and Office of Court Administration);
- Federal Funds Tracking Schedule (Supreme Court and Office of Court Administration);
- Estimated Revenue Collections Supporting Schedule (Office of Court Administration, Supreme Court of Texas, Court of Criminal Appeals, and Judiciary Section of the Comptroller's Office);
- Summary of Costs Related to Recently Enacted State Legislation; and
- Direct Administrative and Support Costs.

The appellate courts and single-strategy judicial branch agencies may refer to the *Sample LAR for Appellate Courts 2022–23 Biennium* (August 2020). The sample includes supporting schedules required for the appellate courts.

AGENCY REQUEST

The Strategy Request is the starting point of the agency's budget request. It should incorporate direct strategy costs (excluding requested rider appropriations) and capital costs allocated to a strategy. The Summaries of Request can be generated from ABEST. The Federal Funds, Capital Budget, and other schedules support the Strategy Request by providing greater detail on amounts contained in the Strategy Request.

PRIORITIZATION OF MEASURES

ABEST requires that all performance measure definitions be entered in the system. As part of that process, the court or agency must assign a priority (high, medium, or low) to each performance measure. This prioritization assists in review of the budget request and in the selection of key measures for inclusion in the General Appropriations Bill.

ELECTRONIC SUBMISSION

LARs for fiscal years 2022 and 2023 are submitted electronically to the LBB through ABEST. This is recognized in ABEST when the status is changed to Complete. Instructions for entering budget data in ABEST may be found on the LBB website at www.lbb.state.tx.us/Agencies_Portal.aspx → Data Entry Applications → Instructions → Legislative Appropriations Request → *ABEST Instructions for Legislative Appropriations Requests*.

Other word-processing and spreadsheet forms must be emailed to the Office of the Governor, Budget Division, (budgetandpolicyreports@gov.texas.gov) and included in the searchable PDF submitted through the LBB Documents Submissions application (docs.lbb.state.tx.us). An LAR-to-PDF generator is available in ABEST. This application allows for the creation of a complete PDF file compiled from user-specified LAR reports from ABEST and additional documents (PDF format only). The LAR-to-PDF generator can be helpful for compiling bound printed copies of the LAR and for electronic submissions to Document Submissions.

The LBB Document Submissions application is available at docs.lbb.state.tx.us. A valid user ID and password is necessary for ABEST to access the application. If a user ID and password is unavailable, the agency or court must request access by submitting a Logon Request Form at loginreqagy.lbb.state.tx.us. The Contact Us tab within the LBB Document Submissions application can be used to request support or assistance. In addition, the Help tab on the login screen of LBB Document Submissions provides additional instructions for completing the electronic submission.

CERTIFICATION OF DUAL SUBMISSIONS

The LAR is submitted electronically, both through ABEST and as a PDF document. The request submitted in ABEST is the official submission. As part of the PDF document, the court or agency must submit a certification of the content of the dual submissions and assurance that the ABEST submission and the PDF document are the same. If there is a discrepancy between the ABEST submission and the PDF document, the ABEST submission will be presumed correct. The certification form is available on the LBB website at www.lbb.state.tx.us/Agencies_Portal.aspx → Data Entry Applications → Instructions → Legislative Appropriations Request → Certificate of Dual Submission.

If an office is headed by an elected official, the first assistant may sign for the elected official.

Revisions to Submitted LAR: If permission has been received to revise the completed 2022–23 LAR in ABEST, a PDF of the revised LAR must be submitted through the Document Submissions application upon completion of any changes. The revised PDF also should be sent to the Office of the Governor, Budget Division.

BOUND PRINTED COPIES

Bound printed copies of the LAR and any supplemental (i.e., non-ABEST) information are required to be submitted to the offices requiring copies of LARs. See page 13 of the *2022–23 Legislative Appropriations Detailed Instructions* (August 2020) for instructions on assembly and distribution of bound paper copies. Appellate courts and judicial branch agencies should submit two bound printed copies of the LAR and any supplemental information to the LBB and Office of the Governor, Budget Division.