



Legislative Appropriations Request

For Fiscal Years 2018-2019

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

by

The Office of the State Prosecuting Attorney

August 5, 2016

FY 2018-19 LEGISLATIVE APPROPRIATIONS REQUEST
Office of the State Prosecuting Attorney

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Administrator's Statement

85th Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

213 Office of the State Prosecuting Attorney

The State Prosecuting Attorney is statutorily authorized to represent the State, either alone or with the assistance of local district and county attorneys, in criminal cases in both the courts of appeals and the Court of Criminal Appeals. See Tex. Gov't Code §§ 42.001, 42.005.

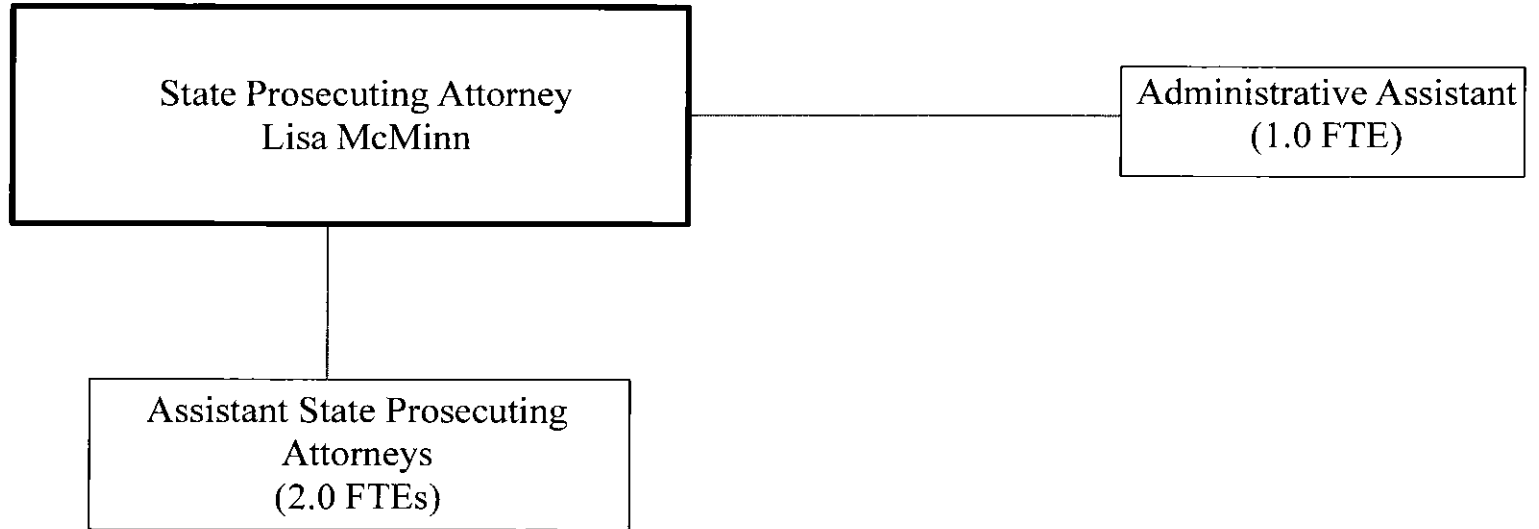
The primary focus of the Office of the State Prosecuting Attorney (OSPA) is filing petitions for discretionary review in the Court of Criminal Appeals in selected cases when a court of appeals has ruled against the State. The majority of OSPA's caseload comes from smaller jurisdictions that may not have the expertise or manpower to handle complex appellate issues in the State's highest criminal court. But OSPA also assists and collaborates with large jurisdictions to facilitate a consistent position on issues of state-wide importance. Prosecutors from counties large and small seek OSPA's advice on trial and appellate issues on a daily basis.

OSPA is grateful for the Legislature's continued funding. OSPA requests restoration of its 4% baseline reduction to avoid the necessity of laying off its only administrative assistant, which would require attorneys to assume secretarial duties. An additional 10% reduction would require salary cuts for OSPA attorneys. During the 82nd Legislative session, OSPA's budget was substantially reduced. Last session, OSPA received partial restoration of those cuts and was able to return attorney salaries to their pre-reduction levels. This session, OSPA requests a modest salary increase for assistant state prosecuting attorneys, which, if implemented, would result in a raise of approximately 7.5% over a 10 year period.

OSPA also asks for the continued authority to carry over unexpended balances within the biennium to ensure flexibility in its budget.

ORGANIZATIONAL CHART

Office of the State Prosecuting Attorney



213 Office of the State Prosecuting Attorney

Goal / Objective / STRATEGY	Exp 2015	Est 2016	Bud 2017	Req 2018	Req 2019
I Representation of the State before the Court of Criminal Appeals					
1 Representation of the State before the Court of Criminal Appeals					
I REPRESENTATION BEFORE CCA	412,268	427,871	428,633	412,022	412,022
TOTAL, GOAL	\$412,268	\$427,871	\$428,633	\$412,022	\$412,022
TOTAL, AGENCY STRATEGY REQUEST	\$412,268	\$427,871	\$428,633	\$412,022	\$412,022
TOTAL, AGENCY RIDER APPROPRIATIONS REQUEST*				\$0	\$0
GRAND TOTAL, AGENCY REQUEST	\$412,268	\$427,871	\$428,633	\$412,022	\$412,022
METHOD OF FINANCING					
General Revenue Funds:					
I General Revenue Fund	389,768	405,371	406,133	389,522	389,522
SUBTOTAL	\$389,768	\$405,371	\$406,133	\$389,522	\$389,522
Other Funds:					
777 Interagency Contracts	22,500	22,500	22,500	22,500	22,500
SUBTOTAL	\$22,500	\$22,500	\$22,500	\$22,500	\$22,500
TOTAL, METHOD OF FINANCING	\$412,268	\$427,871	\$428,633	\$412,022	\$412,022

2.B. Summary of Base Request by Method of Finance
 85th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

8/4/2016 9:23:27.

Agency code: **213**

Agency name: **Office of the State Prosecuting Attorney**

METHOD OF FINANCING	Exp 2015	Est 2016	Bud 2017	Req 2018	Req 2019
<u>GENERAL REVENUE</u>					
<u>1</u> General Revenue Fund					
<i>REGULAR APPROPRIATIONS</i>					
Regular Appropriations from MOF Table (2014-15 GAA)	\$360,229	\$0	\$0	\$0	\$0
Regular Appropriations from MOF Table (2016-17 GAA)	\$0	\$396,146	\$396,907	\$0	\$0
Regular Appropriations from MOF Table 2018-19 GAA)	\$0	\$0	\$0	\$389,522	\$389,522
<i>TRANSFERS</i>					
Art IX, Sec 17.06 Salary Increase for General State Employees (2014-15 GAA)	\$7,032	\$0	\$0	\$0	\$0
Art IV, Special Provisions, Sec. 11, Appropriation for Judicial Compensation (2014-15 GAA)	\$15,000	\$0	\$0	\$0	\$0
Art IX, Sec 18.02, Salary Increase for General State Employees (2016-17)	\$0	\$5,125	\$5,125	\$0	\$0

2.B. Summary of Base Request by Method of Finance
 85th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

8/4/2016 9:23:27AM

Agency code: **213** Agency name: **Office of the State Prosecuting Attorney**

METHOD OF FINANCING	Exp 2015	Est 2016	Bud 2017	Req 2018	Req 2019
<u>GENERAL REVENUE</u>					
Art IX, Sec. 18.02(c)(2), Salary Increase for General State Employees (2016-17 GAA)					
	\$0	\$4,100	\$4,101	\$0	\$0
<i>LAPSED APPROPRIATIONS</i>					
Regular Appropriations from MOF Table (2014-15 GAA)					
	\$(723)	\$0	\$0	\$0	\$0
<i>UNEXPENDED BALANCES AUTHORITY</i>					
Strategy A.1.1 Rep Before CCA (2014-15 GAA)					
	\$8,230	\$0	\$0	\$0	\$0
TOTAL, General Revenue Fund	\$389,768	\$405,371	\$406,133	\$389,522	\$389,522
TOTAL, ALL GENERAL REVENUE	\$389,768	\$405,371	\$406,133	\$389,522	\$389,522

OTHER FUNDS

777 Interagency Contracts

REGULAR APPROPRIATIONS

Regular Appropriations from MOF Table (2014-15 GAA)

2.B. Summary of Base Request by Method of Finance
 85th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

8/4/2016 9:23:27

Agency code: 213		Agency name: Office of the State Prosecuting Attorney				
<u>METHOD OF FINANCING</u>	<u>Exp 2015</u>	<u>Est 2016</u>	<u>Bud 2017</u>	<u>Req 2018</u>	<u>Req 2019</u>	
<u>OTHER FUNDS</u>						
	\$22,500	\$0	\$0	\$0	\$0	
Regular Appropriations from MOF Table (2016-17 GAA)	\$0	\$22,500	\$22,500	\$0	\$0	
Regular Appropriations from MOF Table (2018-19 GAA)	\$0	\$0	\$0	\$22,500	\$22,500	
TOTAL, Interagency Contracts	\$22,500	\$22,500	\$22,500	\$22,500	\$22,500	
TOTAL, ALL OTHER FUNDS	\$22,500	\$22,500	\$22,500	\$22,500	\$22,500	
GRAND TOTAL	\$412,268	\$427,871	\$428,633	\$412,022	\$412,022	

2.B. Summary of Base Request by Method of Finance
 85th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

8/4/2016 9:23:27AM

Agency code: **213**

Agency name: **Office of the State Prosecuting Attorney**

METHOD OF FINANCING	Exp 2015	Est 2016	Bud 2017	Req 2018	Req 2019
FULL-TIME-EQUIVALENT POSITIONS					
REGULAR APPROPRIATIONS					
Regular Appropriations from MOF Table (2014-15 GAA)	4.0	0.0	0.0	0.0	0.0
Regular Appropriations from MOF Table (2016-17 GAA)	0.0	4.0	4.0	0.0	0.0
Regular Appropriations from MOF Table (2018-19 GAA)	0.0	0.0	0.0	3.5	3.5
LAPSED APPROPRIATIONS					
Unauthorized Number Over (Below) Cap	0.0	(0.3)	0.0	0.0	0.0
TOTAL, ADJUSTED FTES	4.0	3.7	4.0	3.5	3.5

NUMBER OF 100% FEDERALLY FUNDED FTEs

2.C. Summary of Base Request by Object of Expense

8/4/2016 9:23:27AM

85th Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

213 Office of the State Prosecuting Attorney

OBJECT OF EXPENSE	Exp 2015	Est 2016	Bud 2017	BL 2018	BL 2019
1001 SALARIES AND WAGES	\$373,200	\$383,640	\$389,808	\$368,633	\$368,633
1002 OTHER PERSONNEL COSTS	\$14,786	\$8,109	\$8,178	\$8,578	\$8,638
2001 PROFESSIONAL FEES AND SERVICES	\$1,161	\$0	\$0	\$0	\$0
2003 CONSUMABLE SUPPLIES	\$546	\$600	\$700	\$700	\$700
2005 TRAVEL	\$1,764	\$2,500	\$2,500	\$2,500	\$2,500
2007 RENT - MACHINE AND OTHER	\$706	\$750	\$750	\$750	\$750
2009 OTHER OPERATING EXPENSE	\$20,105	\$32,272	\$26,697	\$30,861	\$30,801
OOE Total (Excluding Riders)	\$412,268	\$427,871	\$428,633	\$412,022	\$412,022
OOE Total (Riders)					
Grand Total	\$412,268	\$427,871	\$428,633	\$412,022	\$412,022

2.D. Summary of Base Request Objective Outcomes
 85th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation system of Texas (ABEST)

213 Office of the State Prosecuting Attorney

<i>Goal/ Objective / Outcome</i>	Exp 2015	Est 2016	Bud 2017	BL 2018	BL 2019
1 Representation of the State before the Court of Criminal Appeals 1 Representation of the State before the Court of Criminal Appeals					
KEY 1 Petitions for Discretionary Review Granted by the Ct Criminal Appeals					
	13.00	14.00	17.00	17.00	17.00

2.E. Summary of Exceptional Items Request
 85th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 8/4/2016
 TIME 9:23:28AM

Agency code: 213

Agency name: Office of the State Prosecuting Attorney

Priority	Item	2018			2019			Biennium	
		GR and GR/Dedicated	All Funds	FTEs	GR and GR Dedicated	All Funds	FTEs	GR and GR Dedicated	All Funds
1	Restore 4% baseline reduction	\$16,230	\$16,230	0.5	\$16,230	\$16,230	0.5	\$32,460	\$32,460
2	Increase attorney salaries	\$10,664	\$10,664		\$10,664	\$10,664		\$21,328	\$21,328
Total, Exceptional Items Request		\$26,894	\$26,894	0.5	\$26,894	\$26,894	0.5	\$53,788	\$53,788
Method of Financing									
	General Revenue	\$26,894	\$26,894		\$26,894	\$26,894		\$53,788	\$53,788
	General Revenue - Dedicated								
	Federal Funds								
	Other Funds								
		\$26,894	\$26,894		\$26,894	\$26,894		\$53,788	\$53,788
Full Time Equivalent Positions				0.5				0.5	
Number of 100% Federally Funded FTEs									

2.F. Summary of Total Request by Strategy
 85th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE : 8/4/2016
 TIME : 9:23:28AM

Agency code: 213	Agency name: Office of the State Prosecuting Attorney					
Goal/Objective/STRATEGY	Base 2018	Base 2019	Exceptional 2018	Exceptional 2019	Total Request 2018	Total Request 2019
1 Representation of the State before the Court of Criminal Appeals						
1 <i>Representation of the State before the Court of Criminal Appeals</i>						
1 REPRESENTATION BEFORE CCA	\$412,022	\$412,022	\$26,894	\$26,894	\$438,916	\$438,916
TOTAL, GOAL 1	\$412,022	\$412,022	\$26,894	\$26,894	\$438,916	\$438,916
TOTAL, AGENCY STRATEGY REQUEST	\$412,022	\$412,022	\$26,894	\$26,894	\$438,916	\$438,916
TOTAL, AGENCY RIDER APPROPRIATIONS REQUEST						
GRAND TOTAL, AGENCY REQUEST	\$412,022	\$412,022	\$26,894	\$26,894	\$438,916	\$438,916

2.F. Summary of Total Request by Strategy
 85th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE 8/4/2016
 TIME 9:23:28AM

Agency code: 213 Agency name: Office of the State Prosecuting Attorney

<u>Goal/Objective/STRATEGY</u>	<u>Base 2018</u>	<u>Base 2019</u>	<u>Exceptional 2018</u>	<u>Exceptional 2019</u>	<u>Total Request 2018</u>	<u>Total Request 2019</u>
General Revenue Funds:						
1 General Revenue Fund	\$389,522	\$389,522	\$26,894	\$26,894	\$416,416	\$416,416
	\$389,522	\$389,522	\$26,894	\$26,894	\$416,416	\$416,416
Other Funds:						
777 Interagency Contracts	22,500	22,500	0	0	22,500	22,500
	\$22,500	\$22,500	\$0	\$0	\$22,500	\$22,500
TOTAL, METHOD OF FINANCING	\$412,022	\$412,022	\$26,894	\$26,894	\$438,916	\$438,916
FULL TIME EQUIVALENT POSITIONS	3.5	3.5	0.5	0.5	4.0	4.0

2.G. Summary of Total Request Objective Outcomes
 85th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation system of Texas (ABEST)

Date : 8/4/2016
 Time: 9:23:28AM

Agency code: 213

Agency name: Office of the State Prosecuting Attorney

Goal/ Objective / Outcome

	BL 2018	BL 2019	Excp 2018	Excp 2019	Total Request 2018	Total Request 2019
1						
1						
KEY						
1						
	17.00	17.00			17.00	17.00

2.A. Summary of Base Request by Strategy

85th Regular Session, Agency Submission, Version 1

Automated Budget and Evaluation System of Texas (ABEST)

213 Office of the State Prosecuting Attorney

Goal / Objective / STRATEGY	Exp 2015	Est 2016	Bud 2017	Req 2018	Req 2019
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*Rider appropriations for the historical years are included in the strategy amounts.

Budget Overview - Biennial Amounts
85th Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

213 Office of the State Prosecuting Attorney
Appropriation Years: 2018-19

	GENERAL REVENUE FUNDS		GR DEDICATED		FEDERAL FUNDS		OTHER FUNDS		ALL FUNDS		EXCEPTIONAL ITEM FUNDS
	2016-17	2018-19	2016-17	2018-19	2016-17	2018-19	2016-17	2018-19	2016-17	2018-19	2018-19
	Goal: 1. Representation of the State before the Court of Criminal Appeals										
1.1.1. Representation Before Cca	811,504	779,044					45,000	45,000	856,504	824,044	53,788
Total, Goal	811,504	779,044					45,000	45,000	856,504	824,044	53,788
Total, Agency	811,504	779,044					45,000	45,000	856,504	824,044	53,788
Total FTEs									4.0	3.5	0.5

213 Office of the State Prosecuting Attorney

GOAL: 1 Representation of the State before the Court of Criminal Appeals
 OBJECTIVE: 1 Representation of the State before the Court of Criminal Appeals Service Categories:
 STRATEGY: 1 Representation of the State before the Court of Criminal Appeals Service: 01 Income: A.2 Age: B.3

CODE	DESCRIPTION	Exp 2015	Est 2016	Bud 2017	BL 2018	BL 2019
Output Measures:						
	1 Number of Briefs Filed in the Court of Criminal Appeals by the SPA	14.00	18.00	20.00	20.00	20.00
	2 Number of Petitions for Discretionary Review Filed by the SPA	33.00	17.00	20.00	20.00	20.00
Explanatory/Input Measures:						
	1 Number of Court of Criminal Appeals Cases Reviewed	135.00	100.00	110.00	110.00	110.00
	2 Number of Court of Appeals Cases Reviewed	228.00	165.00	163.00	163.00	163.00
Objects of Expense:						
1001	SALARIES AND WAGES	\$373,200	\$383,640	\$389,808	\$368,633	\$368,633
1002	OTHER PERSONNEL COSTS	\$14,786	\$8,109	\$8,178	\$8,578	\$8,638
2001	PROFESSIONAL FEES AND SERVICES	\$1,161	\$0	\$0	\$0	\$0
2003	CONSUMABLE SUPPLIES	\$546	\$600	\$700	\$700	\$700
2005	TRAVEL	\$1,764	\$2,500	\$2,500	\$2,500	\$2,500
2007	RENT - MACHINE AND OTHER	\$706	\$750	\$750	\$750	\$750
2009	OTHER OPERATING EXPENSE	\$20,105	\$32,272	\$26,697	\$30,861	\$30,801
TOTAL, OBJECT OF EXPENSE		\$412,268	\$427,871	\$428,633	\$412,022	\$412,022

Method of Financing:

3.A. Strategy Request

85th Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

213 Office of the State Prosecuting Attorney

GOAL: 1 Representation of the State before the Court of Criminal Appeals

OBJECTIVE: 1 Representation of the State before the Court of Criminal Appeals

STRATEGY: 1 Representation of the State before the Court of Criminal Appeals

Service Categories:

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

CODE	DESCRIPTION	Exp 2015	Est 2016	Bud 2017	BL 2018	BL 2019
1	General Revenue Fund	\$389,768	\$405,371	\$406,133	\$389,522	\$389,522
SUBTOTAL, MOF (GENERAL REVENUE FUNDS)		\$389,768	\$405,371	\$406,133	\$389,522	\$389,522
Method of Financing:						
777	Interagency Contracts	\$22,500	\$22,500	\$22,500	\$22,500	\$22,500
SUBTOTAL, MOF (OTHER FUNDS)		\$22,500	\$22,500	\$22,500	\$22,500	\$22,500
TOTAL, METHOD OF FINANCE (INCLUDING RIDERS)					\$412,022	\$412,022
TOTAL, METHOD OF FINANCE (EXCLUDING RIDERS)		\$412,268	\$427,871	\$428,633	\$412,022	\$412,022
FULL TIME EQUIVALENT POSITIONS:		4.0	3.7	4.0	3.5	3.5

STRATEGY DESCRIPTION AND JUSTIFICATION:

The Office of the State Prosecuting Attorney (SPA) is statutorily authorized, either alone or with the assistance of local district and county attorneys, to represent the State in criminal cases in the fourteen courts of appeals and in the Court of Criminal Appeals. See Tex.Gov't Code §§ 42.001, 42.005.

EXTERNAL/INTERNAL FACTORS IMPACTING STRATEGY:

The Office of the State Prosecuting Attorney is a small agency with highly specialized staff. The main factor that drives this strategy is the need to attract and retain highly knowledgeable attorneys to represent the State in the most important and complex criminal appellate cases.

213 Office of the State Prosecuting Attorney

GOAL: 1 Representation of the State before the Court of Criminal Appeals
 OBJECTIVE: 1 Representation of the State before the Court of Criminal Appeals Service Categories:
 STRATEGY: 1 Representation of the State before the Court of Criminal Appeals Service: 01 Income: A.2 Age: B.3

CODE	DESCRIPTION	Exp 2015	Est 2016	Bud 2017	BL 2018	BL 2019
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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 2016 + Bud 2017)</u>	<u>Baseline Request (BL 2018 + BL 2019)</u>	<u>CHANGE</u>	<u>\$ Amount</u>	<u>Explanation(s) of Amount (must specify MOFs and FTEs)</u>
\$856,504	\$824,044	\$(32,460)	\$(32,460)	General Revenue funding has been reduced as a result of the 4% budget reduction requirement.
			\$(32,460)	Total of Explanation of Biennial Change

3.A. Strategy Request

8/4/2016 9:23:29AM

85th Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

SUMMARY TOTALS:

OBJECTS OF EXPENSE:	\$412,268	\$427,871	\$428,633	\$412,022	\$412,022
METHODS OF FINANCE (INCLUDING RIDERS):				\$412,022	\$412,022
METHODS OF FINANCE (EXCLUDING RIDERS):	\$412,268	\$427,871	\$428,633	\$412,022	\$412,022
FULL TIME EQUIVALENT POSITIONS:	4.0	3.7	4.0	3.5	3.5

4.A. Exceptional Item Request Schedule
 85th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 8/4/2016
 TIME: 9:23:30AM

Agency code: 213

Agency name: Office of the State Prosecuting Attorney

CODE	DESCRIPTION	Excp 2018	Excp 2019
	Item Name: Restore 4% baseline reduction Item Priority: 1 IT Component: No Anticipated Out-year Costs: Yes Involve Contracts > \$50,000: No Includes Funding for the Following Strategy or Strategies: 01-01-01 Representation of the State before the Court of Criminal Appeals		
OBJECTS OF EXPENSE:			
1001	SALARIES AND WAGES	15,000	15,000
1002	OTHER PERSONNEL COSTS	75	75
2009	OTHER OPERATING EXPENSE	1,155	1,155
TOTAL, OBJECT OF EXPENSE		\$16,230	\$16,230

METHOD OF FINANCING:

1	General Revenue Fund	16,230	16,230
TOTAL, METHOD OF FINANCING		\$16,230	\$16,230

FULL-TIME EQUIVALENT POSITIONS (FTE):	0.50	0.50
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DESCRIPTION / JUSTIFICATION:

Because salaries and other personnel costs make up almost 95% percent of OSPA's budget, this reduction must come from salaries. Instead of cutting attorney salaries, OSPA would implement this reduction by eliminating its administrative assistant position, requiring the attorneys to handle all of the secretarial functions.

EXTERNAL/INTERNAL FACTORS:

OSPA receives digital copies of all petitions for discretionary review filed in the Court of Criminal Appeals, as well as opinions from all fourteen courts of appeals and the Court of Criminal Appeals. In addition to receiving, reviewing, circulating, and maintaining these files, OSPA's administrative assistant answers phones, e-files legal documents, and updates OSPA's website. Eliminating this position would divert attorney resources away from their primary duties to perform these secretarial functions.

DESCRIPTION OF ANTICIPATED OUT-YEAR COSTS :

Restoration of the reduced funding would continue in future biennia in order to retain OSPA's administrative assistant.

ESTIMATED ANTICIPATED OUT-YEAR COSTS FOR ITEM:

2020	2021	2022
\$16,230	\$16,230	\$16,230

4.A. Exceptional Item Request Schedule
 85th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 8/4/2016
 TIME: 9:23:30AM

Agency code: 213

Agency name:

Office of the State Prosecuting Attorney

CODE	DESCRIPTION	Excp 2018	Excp 2019
	Item Name: Increase assistant state prosecuting attorney salaries		
	Item Priority: 2		
	IT Component: No		
	Anticipated Out-year Costs: Yes		
	Involve Contracts > \$50,000: No		
	Includes Funding for the Following Strategy or Strategies: 01-01-01 Representation of the State before the Court of Criminal Appeals		
 OBJECTS OF EXPENSE:			
1001	SALARIES AND WAGES	10,506	10,506
1002	OTHER PERSONNEL COSTS	53	53
2009	OTHER OPERATING EXPENSE	105	105
TOTAL, OBJECT OF EXPENSE		\$10,664	\$10,664
 METHOD OF FINANCING:			
1	General Revenue Fund	10,664	10,664
TOTAL, METHOD OF FINANCING		\$10,664	\$10,664

DESCRIPTION / JUSTIFICATION:

This item requests a salary increase of 5% for current assistant state prosecuting attorney salaries. OSPA's work is highly specialized and requires expertise in criminal appellate practice. To fill attorney vacancies, OSPA must draw from either the staff of the Court of Criminal Appeals or from larger District Attorney's Offices with a substantial criminal appellate caseload.

EXTERNAL/INTERNAL FACTORS:

Staff attorneys at the Court of Criminal Appeals (Attorney V) currently earn over \$2,000 per year more than assistant state prosecuting attorneys, whose job classification is General Counsel IV. State-wide, the median salary for a General Counsel IV is well above the salary for assistant state prosecuting attorneys. Assistant district attorneys in larger jurisdictions with significant appellate experience receive higher salaries as well. Lower attorney salaries put OSPA at a distinct disadvantage when attracting qualified applicants to fill vacancies.

DESCRIPTION OF ANTICIPATED OUT-YEAR COSTS :

Funding requested for assistant state prosecuting attorneys' salaries is anticipated to remain within OSPA's base funding in order to maintain and recruit qualified applicants to fill vacancies.

4.A. Exceptional Item Request Schedule
85th Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

DATE: **8/4/2016**
TIME: **9:23:30AM**

Agency code: **213**

Agency name:
Office of the State Prosecuting Attorney

CODE	DESCRIPTION	Exp 2018	Exp 2019
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ESTIMATED ANTICIPATED OUT-YEAR COSTS FOR ITEM:

2020	2021	2022
\$10,664	\$10,664	\$10,664

4.B. Exceptional Items Strategy Allocation Schedule
 85th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 8/4/2016
 TIME: 9:23:30AM

Agency code: 213 Agency name: Office of the State Prosecuting Attorney

Code	Description	Excp 2018	Excp 2019
Item Name: Restore 4% baseline reduction			
Allocation to Strategy: 1-1-1 Representation of the State before the Court of Criminal Appeals			
OBJECTS OF EXPENSE:			
1001	SALARIES AND WAGES	15,000	15,000
1002	OTHER PERSONNEL COSTS	75	75
2009	OTHER OPERATING EXPENSE	1,155	1,155
TOTAL, OBJECT OF EXPENSE		\$16,230	\$16,230
METHOD OF FINANCING:			
1	General Revenue Fund	16,230	16,230
TOTAL, METHOD OF FINANCING		\$16,230	\$16,230
FULL-TIME EQUIVALENT POSITIONS (FTE):		0.5	0.5

4.B. Exceptional Items Strategy Allocation Schedule
 85th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 8/4/2016
 TIME: 9:23:30AM

Agency code: 213 Agency name: Office of the State Prosecuting Attorney

Code	Description	Excp 2018	Excp 2019
Item Name: Increase assistant state prosecuting attorney salaries			
Allocation to Strategy:		1-1-1	Representation of the State before the Court of Criminal Appeals
OBJECTS OF EXPENSE:			
1001	SALARIES AND WAGES	10,506	10,506
1002	OTHER PERSONNEL COSTS	53	53
2009	OTHER OPERATING EXPENSE	105	105
TOTAL, OBJECT OF EXPENSE		\$10,664	\$10,664
METHOD OF FINANCING:			
1 General Revenue Fund		10,664	10,664
TOTAL, METHOD OF FINANCING		\$10,664	\$10,664

4.C. Exceptional Items Strategy Request
 85th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 8/4/2016
TIME: 9:23:31AM

Agency Code: **213** Agency name: **Office of the State Prosecuting Attorney**

GOAL: 1 Representation of the State before the Court of Criminal Appeals
 OBJECTIVE: 1 Representation of the State before the Court of Criminal Appeals
 STRATEGY: 1 Representation of the State before the Court of Criminal Appeals

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

CODE DESCRIPTION	Excp 2018	Excp 2019
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OBJECTS OF EXPENSE:

1001 SALARIES AND WAGES	25,506	25,506
1002 OTHER PERSONNEL COSTS	128	128
2009 OTHER OPERATING EXPENSE	1,260	1,260
Total, Objects of Expense	\$26,894	\$26,894

METHOD OF FINANCING:

1 General Revenue Fund	26,894	26,894
Total, Method of Finance	\$26,894	\$26,894

FULL-TIME EQUIVALENT POSITIONS (FTE):

0.5	0.5
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EXCEPTIONAL ITEM(S) INCLUDED IN STRATEGY:

Restore 4% baseline reduction
 Increase assistant state prosecuting attorney salaries

6.A. Historically Underutilized Business Supporting Schedule
 85th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

Date: 8/4/2016
 Time: 9:23:31AM

Agency Code: 213 Agency: Office of the State Prosecuting Attorney

COMPARISON TO STATEWIDE HUB PROCUREMENT GOALS

A. Fiscal Year 2014 - 2015 HUB Expenditure Information

Statewide HUB Goals	Procurement Category	% Goal	HUB Expenditures FY 2014			Total Expenditures FY 2014		HUB Expenditures FY 2015			Total Expenditures FY 2015	
			% 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 %	0.0%	0.0%	\$0	\$1,799	0.0 %	0.0%	0.0%	\$0	\$2,982	
21.1%	Commodities	30.0 %	100.0%	70.0%	\$484	\$484	35.0 %	100.0%	65.0%	\$71	\$71	
	Total Expenditures		21.2%		\$484	\$2,283		2.3%		\$71	\$3,053	

B. Assessment of Fiscal Year 2014 - 2015 Efforts to Meet HUB Procurement Goals

Attainment:

The agency attained or exceeded one of one, or 100.0%, of the applicable agency HUB procurement goals in fiscal year 2014. The agency attained or exceeded one of one, or 100.0%, of the applicable agency HUB procurement goals in fiscal year 2015.

Applicability:

The "Heavy Constructions", "Building Construction", "Special Trade", and "Professional Services" categories are not applicable to the agency operations in either fiscal year 2014 or 2015. Additionally, the agency does not procure services with the "Other Services" category except for items unavailable to be sourced through HUB vendors (e.g. computer-assisted legal and investigative research services on Texas Council on Competitive Government contracts, transcripts from court reporters, and State Bar of Texas training); therefore a HUB goal was not set in either fiscal year. If an unexpected need arises in any of these HUB categories, the agency will make a good-faith effort to meet or exceed the Statewide HUB Goal.

Factors Affecting Attainment:

The agency attained or exceeded all the HUB goals set for fiscal years 2014 and 2015.

"Good-Faith" Efforts:

Each year, the OSPA exceeds the Statewide goal in the "Commodities" category. OSPA will continue to make a good-faith effort to utilize HUBs by following the guidelines established under 34 TAC, Sec. 20.13(d) through the competitive bid process, promoting HUB subcontracting opportunities, and participating in HUB forums.

6.I. Percent Biennial Base Reduction Options

10 % REDUCTION

85th Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

Date: 8/4/2016
Time: 9:23:31AM

Agency code: 213 Agency name: **Office of the State Prosecuting Attorney**

Item Priority and Name/ Method of Financing	REVENUE LOSS			REDUCTION AMOUNT			TARGET
	2018	2019	Biennial Total	2018	2019	Biennial Total	
1 1 - Reduce assistant state prosecuting attorney salaries							
Category: Programs - Service Reductions (FTEs-Layoffs)							
Item Comment: A 10% reduction, in addition to the 4% baseline reduction, would require salary cuts for OSPA's assistant state prosecuting attorney positions. The 10% reduction cannot be accomplished without salary cuts.							
Strategy: 1-1-1 Representation of the State before the Court of Criminal Appeals							
<u>General Revenue Funds</u>							
1 General Revenue Fund	\$0	\$0	\$0	\$38,952	\$38,952	\$77,904	
General Revenue Funds Total	\$0	\$0	\$0	\$38,952	\$38,952	\$77,904	
Item Total	\$0	\$0	\$0	\$38,952	\$38,952	\$77,904	
FTE Reductions (From FY 2018 and FY 2019 Base Request)							
AGENCY TOTALS							
General Revenue Total				\$38,952	\$38,952	\$77,904	\$77,904
Agency Grand Total	\$0	\$0	\$0	\$38,952	\$38,952	\$77,904	
Difference, Options Total Less Target							
Agency FTE Reductions (From FY 2018 and FY 2019 Base Request)							

