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STATE OF NEW YORK  
**SUPREME COURT**

APPELLATE DIVISION - SECOND DEPARTMENT

EMILY PINES, DAVID DEMAREST, JEFFREY D. LEBOWITZ,  
STEPHEN FERRADINO, RALPH A. BONIELLO, III, and  
JOSEPH C. CALABRESE,

Plaintiffs-Respondents,

-against-

STATE OF NEW YORK,

Defendant-Appellant.

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**RECORD ON APPEAL**

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ERIC T. SCHNEIDERMAN  
Attorney General of the  
State of New York  
Attorney for Defendant-Appellant  
The State Capitol  
Albany, New York 12224  
Telephone (518) 486-5355  
OAG No. 10-115309

STEVEN COHN, ESQ.  
Attorney for Plaintiffs-Respondents  
1 Old Country Road - Suite 420  
Carle Place, New York 11514-1814  
Telephone (516) 294-6410

(Index No. 10-13518)

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**NEW YORK SUPREME COURT  
APPELLATE DIVISION - SECOND DEPARTMENT**

Emily Pines, David Demarest, Jeffrey D. Lebowitz, Stephen Ferradino,  
Ralph A. Boniello, III, and Joseph C. Calabrese,

Plaintiffs-Respondents,

-against-

State of New York,

Defendant-Appellant.

---

**STATEMENT UNDER RULE 5531**

1. The action is identified as Index number 10-13518 in the Supreme Court, County of Nassau.
2. The names of the parties are stated in full in the above caption, and there have been no changes therein. The title as shown above is correct.
3. This action was commenced in the Supreme Court, County of Nassau.
4. The action was commenced by the filing of a Summons and Verified Complaint on July 15, 2010. A Supplemental Summons and Amended Verified Complaint was filed on or about July 29, 2010. A Notice of Motion to Dismiss with Supporting Affirmation was filed on August 26, 2010. A Notice of Cross-Motion for Summary Judgment with Supporting Affirmation was filed on or about September 27, 2010. A Reply Affirmation was filed on or about October 13, 2010.

5. The action seeks a judgment declaring that the compensation of the judges and justices of the Unified Court System of the State of New York has been duly increased pursuant to the Laws of 2009, Chapter 51, §3 and that the Defendant State of New York is obligated to pay the judges and justices of the Unified Court System of the State of New York in accordance therewith retroactive to April 1, 2009, and granting appropriate costs and disbursements and such other and further relief as the Court may deem just and proper.
6. The State's Notice of Appeal is from the Judgment entered in the office of the Nassau County Clerk on March 16, 2011 (Hon. Karen V. Murphy, J.S.C.).
7. This appeal is on a full printed record.

Notice of Appeal

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SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NASSAU

-----X  
EMILY PINES,  
DAVID DEMAREST,  
JEFFREY D. LEBOWITZ,  
STEPHEN FERRADINO,  
RALPH A. BONIELLO, III, and  
JOSEPH C. CALABRESE,

Index # 10-13518  
Murphy, J.S.C.

NOTICE OF APPEAL

Plaintiffs,

-against-

STATE OF NEW YORK,

Defendant.

-----X

**RECEIVED**  
MAR 17 2011  
NASSAU COUNTY  
COUNTY CLERK'S OFFICE

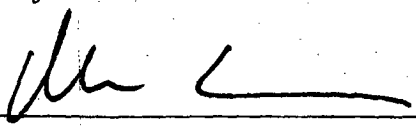
Defendant State of New York, by its attorney, Eric T. Schneiderman,

Attorney General of the State of New York (Ralph Pernick, Assistant Attorney General; of counsel), appeals to the Appellate Division, Second Department, from the judgment of the Honorable Karen V. Murphy, Supreme Court Justice, dated March 10, 2011 and entered in this action on March 16, 2011 by the Nassau County Clerk. This appeal is taken from each and every part of such judgment.

Eric T. Schneiderman, Attorney General  
of the State of New York  
Attorney for defendant

TO:

Steven Cohn, Esq.  
1 Old Country Road - Suite 420  
Carle Place, New York 11514-1814  
Attorney for plaintiffs

By:   
Ralph Pernick, Assistant Attorney General  
200 Old Country Road - Suite 240  
Mineola, New York 11501-4239  
516/ 248-3312 [direct #]  
516/ 248-3302 [general #]  
516/ 747-6432 [fax #; not for service of court papers]  
Ralph.Pernick@ag.ny.gov

March 17, 2011

AFFIRMATION OF SERVICE

Ralph Pernick affirms, under penalty of perjury pursuant to CPLR § 2106, that the following is true and correct:

1. I am an attorney duly admitted to practice law before the courts of the State of New York, am over 21 years old, and am not a party to this action.

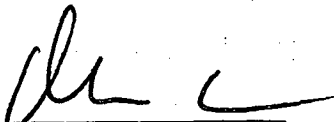
2. On March 17, 2011, I served a copy of the attached notice of appeal and Request for Appellate Division Intervention form, by

√ placing a true copy in a properly addressed envelope in a facility maintained by the United States Postal Service within the State of New York, addressed to:

Steven Cohn, Esq.  
One Old Country Road - Suite 420  
Carle Place, New York 11514  
Attorney for plaintiffs

and

√ faxing a true copy to Mr. Cohn's fax number (516/ 294-0094) pursuant to CPLR 2103(b)(5), as he has authorized being served by fax.

  
Ralph Pernick

Dated: March 17, 2011

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To:

Attorney for \_\_\_\_\_

Please take notice that the within

\_\_\_\_\_

\_\_\_\_\_ is a true copy of an order duly filed and entered in the office of the Clerk of the \_\_\_\_\_ on \_\_\_\_\_, 2011.

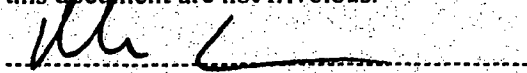
\_\_\_\_\_ will be presented for settlement and signature to the Honorable \_\_\_\_\_, one of the judges of the within-named Court, at \_\_\_\_\_, on \_\_\_\_\_, 2011.

ERIC T. SCHNEIDERMAN, Attorney General of the State of New York

Attorney for Defendant \_\_\_\_\_  
200 Old Country Road – Suite 240  
Mineola, New York 11501-4239

ATTORNEY CERTIFICATION

Pursuant to 22 NYCRR § 130-1.1-a(b), the undersigned, an attorney duly admitted to practice law in the State of New York, certifies that upon information and belief and after reasonable inquiry, the contentions contained in this document are not frivolous.



Ralph Pernick, Assistant Attorney General  
March 17, 2011

Index # 10-13518 (Murphy, J.S.C.)  
STATE OF NEW YORK  
SUPREME COURT - NASSAU COUNTY

EMILY PINES,  
DAVID DEMAREST,  
JEFFREY D. LEBOWITZ,  
STEPHEN FERRADINO,  
RALPH A. BONIELLO, III, and  
JOSEPH C. CALABRESE,

Plaintiffs,

-against-

STATE OF NEW YORK,

Defendant.

**NOTICE  
OF APPEAL**

ERIC T. SCHNEIDERMAN,  
Attorney General of the State of New York,  
Attorney for Defendant State of New York

200 Old Country Road – Suite 240  
Mineola, New York 11501-4239  
516/ 248-3312 [direct # ]  
516/ 248-3302 [general # ]  
516/ 747-6432 [fax # ] \*

Ralph.Pernick@ag.ny.gov \*  
\* not for service of court  
papers without prior consent

Personal service of a copy of this  
\_\_\_\_\_ is admitted.

\_\_\_\_\_, 2011



At IAS Part 15 of the Supreme Court held in and for the County of Nassau at the Courthouse located at 100 Supreme Court Drive, Mineola, New York on the 10 day of March, 2011.

PRESENT: HONORABLE KAREN V. MURPHY  
Justice of the Supreme Court

-----X  
EMILY PINES, DAVID DEMAREST, JEFFREY D. LEBOWITZ, STEPHEN FERRADINO, RALPH A. BONIELLO, III, and JOSEPH C. CALABRESE,

Index No. 13518/10

**JUDGMENT**

*Plaintiffs,*

*-against-*

STATE OF NEW YORK,

*Defendant.*

-----X  
Plaintiffs, EMILY PINES, DAVID DEMAREST, JEFFREY D. LEBOWITZ, STEPHEN FERRADINO, RALPH A. BONIELLO, III, and JOSEPH C. CALABRESE ("Plaintiffs"), having commenced this action for a declaratory judgment declaring that the compensation of the judges and justices of the Unified Court System of the State of New York has been duly increased pursuant to the Laws of 2009, Chapter 51 §3 and that the Defendant State of New York ("Defendant") is obligated to pay the judges and justices of the Unified Court System of the State of New York in accordance therewith, together with appropriate costs and disbursements; and Defendant having moved this Court for an order pursuant to CPLR §3211(a)(7), dismissing the complaint for failure to state a cause of action; and Plaintiffs having cross-moved for an order pursuant to CPLR §3212 granting summary judgment; and the Court, having issued an order dated January 14, 2011, on notice to the parties, converting Defendant's motion to one for summary judgment pursuant to CPLR §3211 (c) and adjourning the matter to February 4, 2011; and neither party having submitted any additional evidence subsequent thereto; and said motion having been heard on February 4, 2011, before the

*Kum*  
*JSC*

Honorable Karen V. Murphy; and Plaintiffs having appeared by their attorneys, The Law Offices of Steven Cohn, PC and Defendant having appeared by its attorney, Andrew Cuomo, Attorney General for the State of New York; and the motion having regularly come on to be heard, and this Court having handed down a short form order dated February 9, 2011 granting summary judgment in favor of Plaintiffs and, in effect, denying Defendant's motion for summary judgment, and directing settlement of the judgment;

NOW, upon reading and filing the notice of motion to dismiss dated August 23, 2010, the supporting affirmation of Ralph Pernick, Esq., duly affirmed on August 23, 2010, together with the exhibits annexed thereto and the accompanying memorandum of law; <sup>dated August 23, 2010</sup> the notice of cross-motion <sup>affirmed September 27, 2010</sup> dated September 27, 2010, the affirmation of Steven Cohn, Esq., together with the exhibits annexed thereto, and the accompanying memorandum <sup>opposition</sup> in <sup>A</sup>; the reply affirmation of Ralph Pernick, Esq., dated October 12, 2010, together with the exhibits annexed thereto, and the accompanying memorandum of law; and Plaintiffs' memorandum of law submitted in reply and in further support of Plaintiff's cross-motion for summary judgment, <sup>dated November 23, 2010</sup> and due deliberation having been had thereon, it is:

**ORDERED and ADJUDGED** that Defendant's motion for summary judgment is denied; and it is further

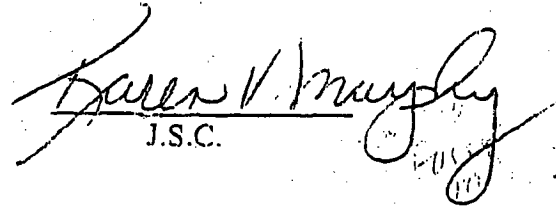
**ORDERED and ADJUDGED** that Plaintiffs' cross-motion for summary judgment is granted; and it is further

**ADJUDGED and DECLARED** that the compensation of the judges and justices of the Unified Court System was increased pursuant to the Laws of 2009, Chapter 51, §3 and, accordingly, Defendant is hereby directed to pay the judges and justices of the Unified Court System of the State

of New York in accordance therewith, retroactive to April 1, 2009, together with the costs and disbursements as taxed by the Clerk of the County of Nassau; and it is further

**ORDERED**, that Defendant shall cause the sum of Fifty One Million Six Thousand Seven Hundred Fifty Nine (\$51,006,759) Dollars, for the 2009-2010 appropriation adjusting the compensation of the judges and justices of the Unified Court System, to be allocated and forthwith paid in accordance with the direction of the Office of Court Administration for the immediate distribution of such funds to all the judges and justice of the Unified Court System in judicial service during all or part of the 2009-2010 fiscal year pursuant to the formula set forth in the Executive Summary submitted by the Unified Court System with the 2009-2010 Judiciary Budget

ENTER:

  
I.S.C.

**ENTERED**  
MAR 16 2011  
NASSAU COUNTY  
COUNTY CLERK'S OFFICE

STATE OF NEW YORK  
COUNTY OF NASSAU  
COUNTY CLERK'S OFFICE }

SS: 10-013518

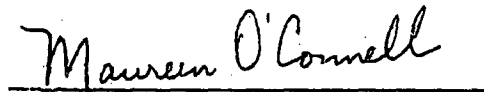
I, MAUREEN O'CONNELL, County Clerk of the County of Nassau and  
the Supreme and County Courts, Courts of Record thereof,

DO HEREBY CERTIFY, that I have compared the annexed with the  
original

Judgment

FILED AND ENTERED in my office March 16, 2011 and the same is a true  
transcript thereof and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed  
the official seal of said County at Mineola, N.Y. this 16th day of March 2011.

  
\_\_\_\_\_  
County Clerk

Order 2/9/11

RECEIVED FEB 11 2011

Short Form Order

**SUPREME COURT - STATE OF NEW YORK  
TRIAL TERM, PART 15 NASSAU COUNTY**

**PRESENT:**

**Honorable Karen V. Murphy**  
**Justice of the Supreme Court**

\_\_\_\_\_ x

**EMILY PINES, DAVID DEMAREST, JEFFREY D.  
LEBOWITZ, STEPHEN FERRADINO, RALPH A  
BONIELLO, III, and JOSEPH C. CALABRESE,**

Index No. 13518/10

Motion Submitted: 2/4/11  
Motion Sequence: 001, 002

**Plaintiff(s),**

**-against-**

**STATE OF NEW YORK,**

**Defendant(s).**

\_\_\_\_\_ x

The following papers read on this motion:

- Notice of Motion/Order to Show Cause.....XX
- Answering Papers.....
- Reply.....X
- Briefs: Plaintiff's/Petitioner's.....XX
- Defendant's/Respondent's.....X

Defendant moves this Court for an Order dismissing the complaint for failure to state a cause of action, pursuant to CPLR §3211(a)(7). Plaintiffs cross-move pursuant to CPLR §3212 for summary judgment. By written decision dated January 14, 2011, on notice to the parties, the Court converted defendant's motion to one for summary judgment pursuant to CPLR §3211(c). Neither party proffered any additional evidence subsequent to that notification.

The compensation of judges and justices of the Unified Court System of the State of New York is at issue in this action. Plaintiffs seek a declaratory judgment that the salary of the judges and justices has been increased under Laws of 2009, Chapter 51, §3 ("Chapter

51") as of April 1, 2009, and that defendant is obligated to pay the judges and justices in accordance with Chapter 51 and Article VI, § 25(a) of the New York State Constitution. Although defendant does not dispute that the judiciary should be granted a raise in their compensation, defendant opposes the requested relief on the grounds that Chapter 51, as enacted, has not increased judicial salaries, nor has it obligated defendant to pay judicial officers the raises they seek.

Although this Court will be affected by the outcome of this action, that consequence is true for all Supreme Court justices in this State. As no other equivalent judicial body with original jurisdiction exists in this State to hear this action (see Constitution, Article 6, Section 7), under the Rule of Necessity, this Court must hear and determine the legal question presented (*Maron v. Silver*, 14 N.Y.3d 230, 248-249, 925 N.E.2d 899, 899 N.Y.S.2d 97 (2010); *Maresca v. Cuomo*, 64 N.Y.2d 242, 247, 475 N.E.2d 95, 485 N.Y.S.2d 724 [1984]).

Plaintiffs herein include four Supreme Court Justices, a Court of Claims Judge, and a County Court Judge from Nassau County. Defendant is the State of New York. Defendant has failed to raise the salaries of all judges and justices in this state for more than a dozen years. While the Legislature has passed a judiciary budget containing a judicial salary adjustment every year since 2005, these budgets were not self-executing. In the past, enabling legislation was expressly required to effectuate judicial salary increases, and such enabling legislation was never passed.

The constitutional authorization for judicial compensation in this State is found in its Constitution, Article VI, § 25(a), which requires that such compensation "shall be established by law." The Constitution itself does not provide for any specific amount of judicial compensation.

The amount of compensation for each judicial position in this State has been set forth in the Judiciary Law, last amended in 1998, wherein the annual compensation for Supreme Court Justices and Court of Claims Judges is \$136,700 (Judiciary Law § 221-b and 221-c). While the compensation for a County Court Judge varies by County, the compensation for a County Court Judge from Nassau County is \$136,700 (Judiciary Law § 221-d).

The original version of the 2009-2010 judiciary budget bill ("A. 151"), introduced on or about January 7, 2009, provided that "notwithstanding any other provision of law, the compensation of state-paid judges and justices of the unified court system and of housing judges of the New York City Civil Court shall be adjusted in accordance with the following and such adjustments shall be funded from available appropriations named in this act." Section 2 (b)(1-6) of A. 151 set forth the specific annual compensation amounts for each of the judicial positions in the Unified Court System. Finally, the original version expressly specified that the annual compensation was to be retroactive to 2005, with increases each

year thereafter, in specified percentages.

The bill (Chapter 51), as enacted on April 7, 2009, reappropriates \$51,006,759 as follows:

For expenses necessary to fund adjustments in the compensation of state-paid judges and justices of the unified court system and of housing judges of the New York City civil court, [pursuant to a subsequent chapter of law specifying such salary levels] and for such other services and expenses in section two of this act

(bracketed words deleted; underlined words added by legislature). The provisions related to specific salary amounts, retroactivity, and specified percentage increases found in the original version are not present in Chapter 51 as enacted.

The sole issue presented on the motions in this action is whether Chapter 51, standing alone, is sufficient to require that the compensation of all New York judges and justices be adjusted and paid as of April 1, 2009.

At the outset, defendant makes clear its position that the judiciary should be granted a raise in its compensation, and indeed "whole-heartedly agrees" with the recent statement made in *Maron v. Silver* (14 N.Y.3d at 245) that the judges and justices "have earned and deserve a salary increase." Nevertheless, defendant insists that the goal of granting a well-deserved pay raise to the judiciary was not lawfully accomplished by Chapter 51, for three reasons.

Defendant asserts that Chapter 51 is merely an appropriations provision which contains no specifics, and lumps judicial compensation and unrelated "services and expenses" together, without providing any itemization for expenditures for either.

Defendant also asserts that Chapter 51 is inadequate to support a raise in judicial compensation because there is no companion statute that satisfies the requirement of Article VI, Section 25(a) of our State Constitution that the amount of judicial compensation be "established by law."

Thirdly, defendant maintains that, without additional legislative action in the form of repeal or amendment of Judiciary Law, Article 7-B, of which there has been none, the appropriation cannot be made effective.

Plaintiffs, on the other hand, assert that the appropriation made in Chapter 51 was complete upon its passage, and is unconditional, warranting a summary declaratory judgment

from this Court that the compensation increases are immediately due and payable to the judges and justices.

While the Constitution requires itemization of the State budget and appropriation bills to implement the budget (*Saxton v. Carey*, 44 N.Y.2d 545, 548, 378 N.E.2d 95, 406 N.Y.S.2d 732 (1978) citing *People v. Tremaine*, 281 N.Y. 1, 5, 21 N.E.2d 891 [1939]), there is no constitutional definition of itemization (*Saxton*, 44 N.Y.2d at 550, quoting and essentially adopting Judge Breitel's dissent in *Hidley v. Rockefeller*, 28 N.Y.2d 439, 444, 271 N.E.2d 530, 322 N.Y.S.2d 687 [1971]). Consequently, it has been held that,

... the degree of itemization necessary in a particular budget is whatever degree of itemization is necessary for the Legislature to effectively review that budget . . . . Should the Legislature determine that a particular budget is so lacking in specificity as to preclude meaningful review, then it will be the duty of that Legislature to refuse to approve such a budget. If, however, as here, the Legislature is satisfied with the budget as submitted by the Governor, then it is not for the courts to intervene and declare such a budget invalid because of a failure to measure up to some mythical budget specifically delineating the exact fate of every penny of public funds

(*Saxton*, 44 N.Y.2d at 550). In short, the remedy for lack of itemization lies with the legislature itself, not with this Court. It is not the courts' function to police the degree of itemization necessary in the state budget (*Id.* at 549). If the legislature determines that a budget is not sufficiently itemized, then it should decline to adopt it; however, once adopted, the logical inference can be drawn that the legislature found the budget to be sufficiently itemized and capable of implementation.

In support of its cross-motion for summary judgment, plaintiffs have submitted, *inter alia*, the Executive Summary to the Judiciary 2009-2010 Budget Request ("Executive Summary"). The Executive Summary (plaintiffs' Exhibit C) sets forth the specific annual salaries to be paid to judges and justices, including retroactivity provisions and specified percentage increases. While it is true that the express provisions for adjustments to judicial compensation on a retroactive basis were removed from Chapter 51 before it was passed, this omission can be cured by reliance upon the Executive Summary. Simply put, the judiciary, via the Executive Summary, "did its homework" in providing the legislature with a detailed plan of action to implement the judicial pay raises.

Furthermore, the language in Chapter 51, as enacted, specifically eliminated the language, "pursuant to a subsequent chapter of law specifying such salary levels." Thus, Chapter 51 is not a "dry appropriation" (*Maron*, 14 N.Y.3d at 245) requiring further legislation before the salaries can be paid.



The language of *Maron* is instructive in determining the question presented here. With reference to the 2006 budget item related to the adjustment in compensation for judges and justices, which item contained conditional language, the Court of Appeals stated:

The \$69.5 million referenced in the judicial budget was explicitly made contingent upon the adoption of additional legislation, i.e. a chapter of the Laws of 2006. Had the Legislature intended that the judicial compensation appropriation be self-executing, as petitioners claim, there would have been no need for the qualifying language. Moreover, a mere provision calling for a lump-sum payment of \$69.5 million without repeal or revision of the Judiciary Law Article 7-B judicial salary schedules is further evidence that additional legislation was required before the funds could be disbursed

(*Maron*, 14 N.Y.3d at 249-50). In that case, where the judicial budgetary item required specific additional legislation, the Court's reference to the failure to repeal or revise the Judiciary Law related to salaries did, under those circumstances, constitute "further evidence" that additional legislation was required.

In this case, however, the fact that the language requiring additional enabling legislation was removed from Chapter 51 constitutes overwhelming and irrefutable evidence that such additional legislation is not required to effect the salary increases. Thus, the absence of such a mandate obviates the need to look to "further evidence." The fact that the Legislature has not amended the Judiciary Law Article 7-B salary schedules does not have the same significance here, as it did for the legislation considered in *Maron*.

Moreover, the historical practice of establishing judicial salary schedules by legislation is also not determinative. As the Court of Appeals has stated:

Nothing in the Constitution says or implies that, once it becomes customary to deal with a particular subject either in appropriation bills or in other legislation, the custom must be immutable. On the contrary, it was an important part of the purpose of executive budgeting to enable budgets to be adjusted to the changing needs of an increasingly complex society

(*Pataki v. New York State Assembly*, 4 N.Y.3d 75, 98, 824 N.E.2d 898, 791 N.Y.S.2d 458 [2004]). In *Pataki*, the Legislature altered the Governor's appropriation bills in ways not permitted by the Constitution. While *Pataki* dealt with executive budgeting, rather than the judiciary budget, its refusal to adopt a "narrow historical test" of what is a proper appropriation bill is relevant to the present dispute.

The *Pataki* Court noted that appropriation bills are limited to two years (Constitution, Article VII, Section 7), and held that it is not forbidden for an appropriation bill to supersede existing law for that time (*Pataki*, 4 N.Y.3d at 98). Therefore, and at the very least, Chapter 51 may properly be determined to supersede the 1998 adjustments to the Judiciary Law for that time period from April 2009 to April 2011.

While this Court is not persuaded that the Judiciary Law must be amended to effectuate a salary adjustment, assuming *arguendo* that this Court found Chapter 51 to be in conflict with Judiciary Law Article 7-B, statutory construction mandates that the later enactment, to wit: Chapter 51 must prevail, as it is the more recent expression of the legislature's will (*see*, McKinney's Statutes § 398; *Matter of Harmon*, 181 Misc.2d 924, 696 N.Y.S.2d 390 (Surr. Ct., New York Co., 8/23/99); *see also*, *Abate v. Mundt*, 25 N.Y.2d 309, 253 N.E.2d 189, 305 N.Y.S.2d 465 [1969]). Furthermore, "it is fundamental that a court, in interpreting a statute, should attempt to effectuate the intent of the legislature", (*citations omitted*, *State of New York v. Patricia II*, 6 N.Y. 3d 160, 289, 844 N.E.2d 743, 811 N.Y.S.2d 289 [2006]).

Defendant suggests that the legislative intent is demonstrated by the debate on the chamber floor. The Court finds unavailing defendant's submission of Assembly and Senate floor debate transcripts for the very reason that those transcripts represent just that, which is debate about the issue. While illustrative of the animus and disdain of less than a handful of legislators for the judiciary, a co-equal branch of government, the colloquy is unpersuasive. Ultimately, the Legislature saw fit to pass the appropriation for judicial salary increases, and it was keenly aware of the earlier *Maron* decision emanating from the Appellate Division (*Maron v. Silver*, 58 A.D.3d 102, 871 N.Y.S.2d 404 [3d Dept. 2008]), which stressed the importance of the budgetary language requiring that judicial salary increases be paid "pursuant to a chapter of the laws of 2006" (*Id.* at 420). In that decision, the Appellate Division determined that the phrase, "pursuant to a chapter of the laws of 2006" clearly meant that the judicial budget was not self-executing (*Id.* at 421). Thus, to ignore the Legislature's present and intentional deletion of such limiting language in Chapter 51 would be to ignore the plain meaning of that Chapter, which is that the judicial budget is self-executing.

Surely, defendant is not suggesting that this Court give credence to the argument that Chapter 51 is merely the Legislature's transparent attempt to, once again, mollify the judiciary by acknowledging the obvious need for salary increases, while, with the other hand, attempting to withhold those earned and deserved increases. While "all the legislators and the Legislature itself are entitled to the presumption that they act only in accordance with and fulfillment of their oaths of office" (*Cohen v. State of New York*, 94 N.Y.2d 1, 13, 720 N.E.2d 850, 698 N.Y.S.2d 574 [1999]), the history of the Legislature's assault on the judiciary, as outlined in *Maron* (14 N.Y.3d at 245), lends credence to the inference that the

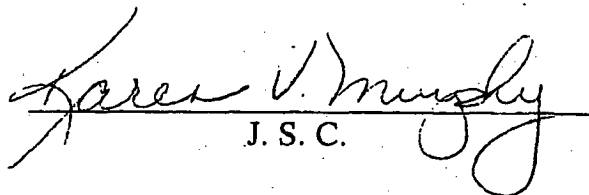
Legislature may, at times, be engaging in "gamesmanship" with regard to judicial compensation. Despite the repeated appropriations of money for judicial pay raises since 2006, the Legislature, and most notably the Assembly, has found varied ways to thwart delivery of the salary adjustments to the judges and justices of New York State's Unified Court System.

Rather than declaring that the Legislature has engaged in subterfuge, this Court finds that Chapter 51 was properly enacted by the Legislature, and the Court will draw the only appropriate conclusion as to the words chosen by the Legislature in effectuating its constitutional duty. Clearly, the constitutional requirement that judicial compensation be "established by law" is met by Chapter 51, as enacted. Lack of itemization in, and the absence of additional enabling legislation for Chapter 51, are not fatal, nor is the absence of revisions to the judicial salary schedules set forth in the Judiciary Law. The State Constitution does not mandate a specific format for judicial salaries, and consequently, Chapter 51 is enforceable as it stands. To hold otherwise would render Chapter 51 meaningless, under circumstances where all parties agree that an increase in judicial compensation is both warranted and deserved.

Plaintiffs' motion for summary judgment is granted, and this Court declares that the compensation of the judges and justices of the Unified Court System has been duly increased pursuant to the Laws of 2009, Chapter 51, §3 ("Chapter 51"), and that defendant State of New York is obligated to pay the judges and justices of the Unified Court System of the State of New York in accordance therewith, retroactive to April 1, 2009, together with costs and disbursements as taxed by the clerk.

The foregoing constitutes the Order of this Court. Settle judgment on notice.

Dated: February 9, 2011  
Mineola, N.Y.

  
J. S. C.

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NASSAU

-----X  
EMILY PINES, DAVID DEMAREST, JEFFREY D.  
LEBOWITZ, STEPHEN FERRADINO and RALPH A.  
BONIELLO, III,

*Plaintiffs,*

-against-

Index No.: 10-~~10~~ 13518  
Filed on:  
7/15/10

Plaintiffs designate Nassau  
County as the place of trial

**SUMMONS**

STATE OF NEW YORK,

*Defendant.*

Venue is based on CPLR  
503(a)

-----X  
To the Above Named Defendant:

**YOU ARE HEREBY SUMMONED** to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the plaintiff's Attorneys within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: Carle Place, New York  
July 13, 2010

Defendants' addresses:  
State of New York  
c/o Attorney General  
Willis Avenue, Mineola, NY

Received by personal service  
9:55 o'clock A M 7/16/2010

Signed [Signature]  
Assistant Attorney General  
RALPH PERNICK

The Law Office of Steven Cohn, P.C.

[Signature]  
By: Steven Cohn, Esq.  
Attorneys for Plaintiffs  
One Old Country Road - Suite 420  
Carle Place, New York 11514  
(516) 294-6410 X 18

**RECEIVED**  
JUL 15 2010  
NASSAU COUNTY  
COUNTY CLERK'S OFFICE

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NASSAU

-----X  
EMILY PINES, DAVID DEMAREST, JEFFREY D.  
LEBOWITZ, STEPHEN FERRADINO and RALPH A.  
BONIELLO, III,

Plaintiffs,

VERIFIED COMPLAINT

-against-

Index No.

STATE OF NEW YORK,

Defendant.

-----X

Plaintiffs, by STEVEN COHN, P.C., their undersigned counsel, complaining of the  
Defendant, do hereby allege as follows:

1. Plaintiff, Emily Pines, a duly elected Justice of the Supreme Court, resides in Suffolk County.
2. Plaintiff, David Demarest, a duly elected Justice of the Supreme Court, resides in St. Lawrence County.
3. Plaintiff, Jeffrey D. Lebowitz, a duly appointed Judge of the Court of Claims, resides in Queens County.
4. Plaintiff, Stephen Ferradino, a duly elected Justice of the Supreme Court, resides in Saratoga County.
5. Plaintiff, Ralph A. Boniello, III, a duly elected Justice of the Supreme Court, resides in Niagara County.
6. All of the Plaintiffs at the time of commencement of this action are duly elected or appointed judges or justices of the State of New York.

**RECEIVED**

JUL 15 2010

NASSAU COUNTY  
COUNTY CLERK'S OFFICE

Verified Complaint

the undersigned, am an attorney admitted to practice in the courts of New York State, and

certify that the annexed

has been compared by me with the original and found to be a true and complete copy thereof.

say that: I am the attorney of record, or of counsel with the attorney(s) of record, for

. I have read the annexed

know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters I believe them to be true. My belief, as to those matters therein not stated upon knowledge, is based upon the following:

The reason I make this affirmation instead of is

affirm that the foregoing statements are true under penalties of perjury.

ated:

.....  
(Print signer's name below signature)

SS:

STATE OF NEW YORK, COUNTY OF NASSAU

EMILY PINES

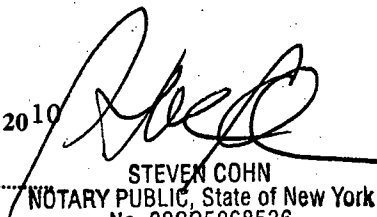
being sworn says: I am one of the Plaintiffs

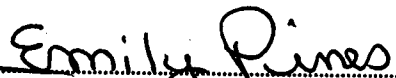
in the action herein; I have read the annexed Verified Complaint  
 know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters I believe them to be true.

the of  
 a corporation, one of the parties to the action; I have read the annexed  
 know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters I believe them to be true.  
y belief, as to those matters therein not stated upon knowledge, is based upon the following:

to before me on July 13

, 2010

  
STEVEN COHN  
NOTARY PUBLIC, State of New York  
No. 02C05068536  
Qualified in Nassau County  
Commission Expires 09/30/2014

  
.....  
(Print signer's name below signature)

EMILY PINES

SS:

STATE OF NEW YORK, COUNTY OF

being sworn says: I am not a party to the action, am over 18 years of

e and reside at

On , 20 , I served a true copy of the annexed

in the following manner:

by mailing the same in a sealed envelope, with postage prepaid thereon, in a post-office or official depository of the U.S. Postal Service within the State of New York, addressed to the last known address of the addressee(s) as indicated below:

by delivering the same personally to the persons and at the addresses indicated below:

orn to before me on , 20

.....  
(Print signer's name below signature)

At 20  
Certification  
Attorney's  
Verification  
by

certify that the annexed **Verified Complaint** has been compared by me with the original and found to be a true and complete copy thereof.

say that: I am the attorney of record, or of counsel with the attorney(s) of record, for . I have read the annexed

know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters I believe them to be true. My belief, as to those matters therein not stated upon knowledge, is based upon the following:

The reason I make this affirmation instead of is

affirm that the foregoing statements are true under penalties of perjury.  
dated:

.....  
(Print signer's name below signature)

**TATE OF NEW YORK, COUNTY OF NASSAU**

SS:

**EMILY PINES**

being sworn says: I am One of the Plaintiffs

Individual  
Verification

in the action herein; I have read the annexed **Verified Complaint** know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters I believe them to be true.

Corporate  
Verification

the of a corporation, one of the parties to the action; I have read the annexed know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters I believe them to be true.

My belief, as to those matters therein not stated upon knowledge, is based upon the following:

worn to before me on July 13, 2010

.....  
(Print signer's name below signature)

STEVEN COHN  
NOTARY PUBLIC, State of New York  
No. 02CO5068536  
Qualified in Nassau County  
Commission Expires 09/30/2014

EMILY PINES

SS:

**TATE OF NEW YORK, COUNTY OF**

being sworn says: I am not a party to the action, am over 18 years of

age and reside at

On , 20 , I served a true copy of the annexed

in the following manner:

Service  
By Mail

by mailing the same in a sealed envelope, with postage prepaid thereon, in a post-office or official depository of the U.S. Postal Service within the State of New York, addressed to the last known address of the addressee(s) as indicated below:

Personal  
Service

by delivering the same personally to the persons and at the addresses indicated below:

worn to before me on , 20

.....  
(Print signer's name below signature)

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU
Verified Complaint

EMILY PINES, DAVID DEMAREST, JEFFREY D.
LEBOWITZ, STEPHEN FERRADINO and RALPH A.
BONIELLO, III,

Plaintiffs,
-against-

STATE OF NEW YORK,
Defendant.

VERIFIED COMPLAINT

STEVEN COHN, P.C.
Attorneys for Plaintiffs

SUITE 420
ONE OLD COUNTRY ROAD
CARLE PLACE, NEW YORK 11514
(516) 294-6410
FAX: (516) 294-0094

To:
Attorney(s) for
Service of a copy of the within is hereby admitted.

Dated:
.....
Attorney(s) for

PLEASE TAKE NOTICE

Check Applicable Box

[ ] NOTICE OF ENTRY that the within is a (certified) true copy of a
entered in the office of the clerk of the within named Court on 20

[ ] NOTICE OF SETTLEMENT that an Order of which the within is a true copy will be presented for settlement to the Hon.
one of the judges of the within named Court,
at
on 20, at M.

Dated:
STEVEN COHN, P.C.
Attorneys for

To:
SUIE 420
ONE OLD COUNTRY ROAD
CARLE PLACE, NEW YORK 11514



SUPREME COURT OF THE STATE OF NEW YORK  
 COUNTY OF NASSAU

-----X  
 EMILY PINES, DAVID DEMAREST, JEFFREY D.  
 LEBOWITZ, STEPHEN FERRADINO and RALPH A.  
 BONIELLO, III, and JOSEPH C. CALABRESE,  
*Plaintiffs,*

-against-

STATE OF NEW YORK,

*Defendant.*

-----X

**Index No.:**  
**Filed on:**

Plaintiffs designate Nassau  
 County as the place of trial

**SUPPLEMENTAL  
 SUMMONS**

Venue is based on CPLR  
 503(a)

To the Above Named Defendant:

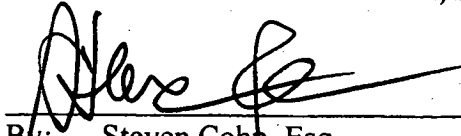
***YOU ARE HEREBY SUMMONED*** to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the plaintiff's Attorneys within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: Carle Place, New York  
 July 29, 2010

Defendants' addresses:

**State of New York**  
 c/o Attorney General  
 200 Old Country Road, Suite 240  
 Mineola, NY 11501

**The Law Office of Steven Cohn, P.C.**

  
 By: Steven Cohn, Esq.  
 Attorneys for Plaintiffs  
 One Old Country Road - Suite 420  
 Carle Place, New York 11514  
 (516) 294-6410

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NASSAU

-----X  
EMILY PINES, DAVID DEMAREST, JEFFREY D.  
LEBOWITZ, STEPHEN FERRADINO and RALPH A.  
BONIELLO, III, and JOSEPH C. CALABRESE,

Plaintiffs,

AMENDED  
VERIFIED COMPLAINT

-against-

Index No.

STATE OF NEW YORK,

Defendant.

-----X

Plaintiffs, by STEVEN COHN, P.C., their undersigned counsel, complaining of the  
Defendant, do hereby allege as follows:

1. Plaintiff, Emily Pines, a duly elected Justice of the Supreme Court, resides in Suffolk County.
2. Plaintiff, David Demarest, a duly elected Justice of the Supreme Court, resides in St. Lawrence County.
3. Plaintiff, Jeffrey D. Lebowitz, a duly appointed Judge of the Court of Claims, resides in Queens County.
4. Plaintiff, Stephen Ferradino, a duly elected Justice of the Supreme Court, resides in Saratoga County.
5. Plaintiff, Ralph A. Boniello, III, a duly elected Justice of the Supreme Court, resides in Niagara County.
6. Plaintiff, Joseph C. Calabrese, a duly elected Judge of the County Court, resides in Nassau County.

7. All of the Plaintiffs at the time of commencement of this action are duly elected or appointed judges or justices of the State of New York.
8. Defendant is the State of New York.
9. Article VI, § 25(a) of the New York State Constitution defines the manner in which the salary of judges and justices of the Unified Court System of the State of New York (hereinafter "New York judges and justices") is determined.
10. The 2009-2010 New York State Budget enacted and appropriated the lump sum of \$51,006,759 as follows:

**§3. The several amounts named in this section, or so much thereof as shall be sufficient to accomplish the purposes designated, being the unexpended balances of a prior year's appropriation, are hereby reappropriated from the same funds and made available for the same purposes as the prior year's appropriation, unless amended herein, for the state fiscal year beginning April 1, 2009.**

\* \* \*

**The appropriation made by chapter 51, section 2, of the laws of 2008, is hereby amended and reappropriated to read:**

**For expenses necessary to fund adjustments in the compensation of state-paid judges and justices of the unified court system and of housing judges of the New York city civil court, and for such other services and expenses specified in section two of this act.**

(Laws of 2009, Chapter 51, §3 [hereinafter "Chapter 51" or "2009 appropriation"])

11. The 2009 appropriation contained no language of limitation or further contingency

necessitating further legislative action to become effective.

12. The 2009 appropriation became fully effective and enforceable when it was passed by the Legislature and signed into law by the Governor.

13. The passage of the 2009 appropriation mandated that the compensation of all of the New York judges and justices be adjusted and paid as of April 1, 2009.

14. Notwithstanding the enactment of Chapter 51, the compensation of the New York judges and justices has not been recalculated, adjusted or paid.

15. The right to adjustment of judicial compensation pursuant to chapter 51 vested as of April 1, 2009, and thereafter.

16. There exists an actual controversy among the parties hereto, within the jurisdiction of this Court, involving the rights and liabilities of the parties under the 2009 appropriation, as to the parties and the obligations, which controversy may be determined by a judgment of this Court.

17. By virtue of the enactment of Chapter 51, this Court should declare that the compensation of the New York judges and justices had been adjusted; effective to April 1, 2009.

18. The Court should declare that the Defendant State of New York is obligated to pay the New York judges and justices in accordance with Chapter 51 and Article VI, §25(a) of the Constitution of the State of New York retroactive to April 1, 2009.

WHEREFORE, Plaintiffs demand judgment declaring that the compensation of the judges and justices of the Unified Court System of the State of New York has been duly increased pursuant to the Laws of 2009, Chapter 51, §3 and that the Defendant State of New York is obligated to pay the judges and justices of the Unified Court System of the State of New

York in accordance therewith retroactive to April 1, 2009, and granting appropriate costs and disbursements and such other and further relief as the Court may deem just and proper.

Dated: Carle Place, New York  
July 29, 2010



---

STEVEN COHN, ESQ.  
Law Office of Steven Cohn, P.C.  
Attorney for Plaintiffs  
One Old Country Road Suite 420  
Carle Place, New York 11514  
(516) 294-6410

Amended Complaint

certify that the annexed has been compared by me with the original and found to be a true and complete copy thereof.

say that: I am the attorney of record, or of counsel with the attorney(s) of record, for

I have read the annexed

know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters I believe them to be true. My belief, as to those matters therein not stated upon knowledge, is based upon the following:

The reason I make this affirmation instead of is

I affirm that the foregoing statements are true under penalties of perjury.

ed:

(Print signer's name below signature)

STATE OF NEW YORK, COUNTY OF NASSAU

ss:

JOSEPH C. CALABRESE

being sworn says: I am one of the Plaintiffs

in the action herein; I have read the annexed AMENDED VERIFIED COMPLAINT

know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters I believe them to be true.

the of

a corporation, one of the parties to the action; I have read the annexed

know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters I believe them to be true.

belief, as to those matters therein not stated upon knowledge, is based upon the following:

born to before me on July 29, 2010

*[Handwritten signature]*

STATE OF NEW YORK, COUNTY OF

STEVEN COHN  
NOTARY PUBLIC, State of New York  
No. 02C05068536  
Qualified in Nassau County 14  
Commission Expires 09/30/20

*[Handwritten signature]*  
JOSEPH C. CALABRESE

(Print signer's name below signature)

ss:

being sworn says: I am not a party to the action, am over 18 years of

and reside at:

On , 20 , I served a true copy of the annexed

in the following manner:

by mailing the same in a sealed envelope, with postage prepaid thereon, in a post-office or official depository of the U.S. Postal Service within the State of New York, addressed to the last known address of the addressee(s) as indicated below:

by delivering the same personally to the persons and at the addresses indicated below:

born to before me on , 20

(Print signer's name below signature)

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NASSAU Amended Complaint

EMILY PINES, DAVID DEMAREST, JEFFREY D.  
LEBOWITZ, STEPHEN FERRADINO and RALPH A.  
BONIELLO, III, and JOSEPH C. CALABRESE,

Plaintiffs,  
-against-

STATE OF NEW YORK,  
Defendant.

STATE OF NEW YORK  
ATTORNEY GENERAL OFFICE  
JUL 30 2010  
RECEIVED  
NASSAU COUNTY OFFICE

VERIFIED COMPLAINT

STEVEN COHN, P.C.  
Attorneys for  
Plaintiffs

SUITE 420  
ONE OLD COUNTRY ROAD  
CARLE PLACE, NEW YORK 11514  
(516) 294-6410  
FAX: (516) 294-0094

To:

Attorney(s) for

Service of a copy of the within is hereby admitted.

Dated:

.....  
Attorney(s) for

PLEASE TAKE NOTICE

Check Applicable Box

NOTICE OF  
ENTRY

that the within is a (certified) true copy of a  
entered in the office of the clerk of the within named Court on

20

NOTICE OF  
SETTLEMENT

that an Order of which the within is a true copy will be presented for settlement to the Hon.  
one of the judges of the within named Court,  
at  
on 20, at M.

Dated:

STEVEN COHN, P.C.

Attorneys for

SUITE 420  
ONE OLD COUNTRY ROAD  
CARLE PLACE, NEW YORK 11514

To:

Attorney(s) for

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NASSAU

RECEIVED BY  
SUPREME COURT  
NASSAU COUNTY

2010 AUG 26 PM 4:09

-----X  
EMILY PINES, DAVID DEMAREST,  
JEFFREY D. LEBOWITZ, STEPHEN  
FERRADINO, RALPH A. BONIELLO, III,  
and JOSEPH C. CALABRESE,

Index # 10-13518

Plaintiffs,

NOTICE OF MOTION  
TO DISMISS

-against-

**PAID**

STATE OF NEW YORK,

AUG 26 2010

Defendant.

NASSAU COUNTY  
COUNTY CLERK'S OFFICE

-----X  
TO: Steven Cohn, Esq. (attorney for plaintiffs), One Old Country  
Road - Suite 420, Carle Place, New York 11514

**PLEASE TAKE NOTICE** that defendant State of New York, by its attorney (Andrew M. Cuomo, Attorney General of the State of New York; Ralph Pernick, Assistant Attorney General of counsel) moves: [a] pursuant to CPLR 3211(a)(7), to dismiss this action for failure to state a cause of action (or in the alternative, for a declaratory judgment that L.2009, ch. 51 § 3 did not increase the compensation of the judges and justices of the Unified Court System of the State of New York, and that the State of New York is not obligated to pay them in accordance with such

2010 AUG 26 PM 4:09

RECEIVED BY  
SUPREME COURT  
NASSAU COUNTY



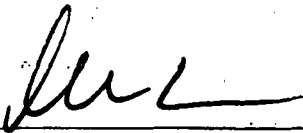
statute retroactive to April 1, 2009; and [b] for such other and further relief that this Court deems to be appropriate.

This motion is based upon: [a] the August 23, 2010 affirmation of Ralph Pernick; [b] the attached memorandum of law; and [c] all prior proceedings in this action (see attached Amended Complaint).

This motion is returnable on September 30, 2010 at 9:30 a.m. before the IAS Justice to be assigned to this action, at the Supreme Courthouse, 100 Supreme Court Drive, Mineola, New York.

**PLEASE TAKE FURTHER NOTICE** that pursuant to CPLR § 2214(b), answering papers shall be served no later than September 23, 2010 (at least seven days prior to the return date).

Andrew M. Cuomo, Attorney General of the  
State of New York  
Attorney for defendant State of New York

By:   
Ralph Pernick, Assistant Attorney General  
200 Old Country Road – Suite 240  
Mineola, New York 11501-4239  
516/ 248-3312 [direct #]  
516/ 747-6432 [fax; service not authorized]  
Ralph.Pernick@ag.ny.gov [e-mail]

August 23, 2010

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NASSAU

-----X  
EMILY PINES,  
DAVID DEMAREST,  
JEFFREY D. LEBOWITZ,  
STEPHEN FERRADINO,  
RALPH A. BONIELLO, III, and  
JOSEPH C. CALABRESE,

Index # 10-13518

AFFIRMATION IN  
SUPPORT OF  
MOTION TO  
DISMISS

Plaintiffs,

-against-

STATE OF NEW YORK,

Defendant.

-----X  
RALPH PERNICK, an attorney duly admitted to practice  
law before the Courts of the State of New York, and an Assistant  
Attorney General of the State of New York, affirms the truth of  
the following under penalty of perjury pursuant to CPLR § 2106.

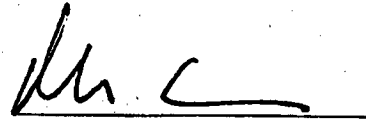
1. I am the Assistant Attorney General assigned to  
represent the State of New York, the defendant in this declaratory  
judgment action.

2. This affirmation serves as the vehicle to provide this  
Court with two documents:

## Supporting Affirmation

- Exhibit A is a copy of the budget bill for the Judiciary for the 2009-2010 budget year, introduced as A.151.
- Exhibit B is a copy of L. 2009, ch. 51.

August 23, 2010



Ralph Pernick

# **EXHIBIT A**

**Copy of the budget bill for  
the Judiciary for the 2009-  
2010 budget year, introduced  
as A.151**

# STATE OF NEW YORK

S. 51

A. 151

## SENATE - ASSEMBLY

(Prefiled)

January 7, 2009

IN SENATE -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

IN ASSEMBLY -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read once and referred to the Committee on Ways and Means

AN ACT making appropriations for the support of government

(LEGISLATURE AND JUDICIARY BUDGET)

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The several amounts named in this section or so much there-  
2 of as shall be sufficient to accomplish the purposes designated by the  
3 appropriations, are hereby appropriated and authorized to be paid as  
4 hereinafter provided, to the respective public officers and for the  
5 fiscal year beginning April 1, 2009.

6 GENERAL FUND / STATE OPERATIONS  
7 STATE PURPOSES ACCOUNT - 003

8 THE LEGISLATURE

9 THE SENATE

10 For services and expenses of the Senate (including liabil-  
11 ities incurred prior to April 1, 2009), including travel  
12 outside the state, in accordance with the following  
13 schedule ..... 86,942,625  
14 =====

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [ ] is old law to be omitted.



LEGISLATURE AND JUDICIARY 2009-10

SCHEDULE

PERSONAL SERVICE

1		
2		
3	For payment of salaries to Members, 62,	
4	pursuant to section 5 of the legislative	
5	law .....	4,929,000
6	For payment of allowances to members desig-	
7	nated by the temporary president, pursuant	
8	to the schedule of such allowances set	
9	forth in section 5-a of the legislative	
10	law .....	1,289,500
11	For personal service of employees and for	
12	temporary and expert services of majority	
13	leader and minority leader operations:	
14	Personal service-regular .....	8,188,318
15	Temporary service .....	352,595
16	For personal service of employees and for	
17	temporary and expert services of members'	
18	offices and of standing committees:	
19	Personal service-regular .....	29,575,965
20	Temporary service .....	899,190
21	For personal service of employees and for	
22	temporary and expert services for adminis-	
23	trative support operations:	
24	Personal service-regular .....	16,810,357
25	Temporary service .....	99,910
26	For personal service of employees and for	
27	temporary and expert services for the	
28	senate student program office:	
29	Personal service-regular .....	178,965
30	Temporary service .....	467,586
31	For personal service of employees and for	
32	temporary and expert services for the	
33	senate select committee on interstate	
34	cooperation:	
35	Personal service-regular .....	73,333
36	Temporary service .....	1,940
37	For personal service of employees and for	
38	temporary and expert services for the	
39	senate special committee on arts and	
40	cultural affairs:	
41	Personal service-regular .....	73,333
42	Temporary service .....	1,940
43	For personal service of employees and for	
44	temporary and expert services for the	
45	senate select committee on the disabled:	
46	Personal service-regular .....	105,843
47	Temporary service .....	4,850
48		
49	Amount available for personal service .....	63,052,625
50		



## LEGISLATURE AND JUDICIARY 2009-10

## 1 NONPERSONAL SERVICE

2	Non-employee services .....	40,000
3	Supplies and materials .....	4,000,000
4	Travel .....	1,300,000
5	Rentals .....	1,100,000
6	Equipment maintenance and repairs .....	3,300,000
7	Office and space leases .....	3,250,000
8	Utilities .....	400,000
9	Postage and shipping .....	5,700,000
10	Printing .....	100,000
11	Telephone and telegraph .....	1,500,000
12	Miscellaneous contractual services .....	1,300,000
13	Equipment .....	1,900,000
14	.....	
15	Amount available for nonpersonal service ..	23,890,000
16	.....	

## 17 SENATE FINANCE COMMITTEE

18	For services and expenses (including liabilities incurred	
19	prior to April 1, 2009), including travel outside the	
20	state, in accordance with the following schedule .....	5,889,349
21		=====

## 22 PERSONAL SERVICE

23	Personal service-regular .....	5,499,349
24	Temporary service .....	100,000
25	.....	
26	Amount available for personal service .....	5,599,349
27	.....	

## 28 NONPERSONAL SERVICE

29	Supplies and materials .....	100,000
30	Travel .....	30,000
31	Contractual services .....	110,000
32	Equipment .....	50,000
33	.....	
34	Amount available for nonpersonal service .....	290,000
35	.....	

## 36 THE ASSEMBLY

37	For services and expenses (including liabilities incurred	
38	prior to April 1, 2009), including travel outside the	
39	state, in accordance with the following schedule .....	103,329,789
40		=====

## 41 SCHEDULE

## 42 PERSONAL SERVICE

LEGISLATURE AND JUDICIARY 2009-10

1	Members, 150, payment of salaries pursuant	
2	to section 5 of the legislative law .....	11,925,000
3	For payment of allowances to members desig-	
4	nated by the speaker pursuant to the	
5	provisions of section 5-a of the legisla-	
6	tive law .....	1,592,500
7	For personal service of employees and for	
8	temporary and expert services of members'	
9	offices and of standing committees and	
10	subcommittees:	
11	Personal service-regular .....	23,381,090
12	Temporary service .....	2,288,275
13	For personal service of employees and for	
14	temporary and expert services for adminis-	
15	trative and program support operations:	
16	Personal service-regular .....	39,221,819
17	Temporary service .....	466,269
18	For the Assembly Intern and Youth Partic-	
19	ipation Program for personal service of	
20	employees and for temporary and expert	
21	services:	
22	Personal service-regular .....	226,164
23	Temporary service .....	713,672
24		
25	Amount available for personal service .....	79,814,789
26		

NONPERSONAL SERVICE

27		
28	Non-employee services .....	20,000
29	Supplies and materials .....	2,100,000
30	Travel .....	2,750,000
31	Rentals .....	700,000
32	Equipment maintenance and repairs .....	800,000
33	Office and space leases .....	6,450,000
34	Utilities .....	600,000
35	Postage and shipping .....	5,250,000
36	Printing .....	40,000
37	Telephone and telegraph .....	1,800,000
38	Miscellaneous contractual services .....	1,650,000
39	Equipment .....	1,355,000
40		
41	Amount available for nonpersonal service .....	23,515,000
42		

ASSEMBLY WAYS AND MEANS COMMITTEE

43		
44	For services and expenses (including liabilities incurred	
45	prior to April 1, 2009), including travel outside the	
46	state, in accordance with the following schedule .....	5,889,349
47		=====





LEGISLATURE AND JUDICIARY 2009-10

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PERSONAL SERVICE

Personal service-regular .....	5,344,349
Temporary service .....	160,000
Amount available for personal service .....	5,504,349

NONPERSONAL SERVICE

Supplies and materials .....	190,000
Travel .....	30,000
Contractual services .....	115,000
Equipment .....	50,000
Amount available for nonpersonal service .....	385,000

SENATE AND ASSEMBLY JOINT ENTITIES  
LEGISLATIVE ETHICS COMMISSION

For services and expenses of the Legislative Ethics Commission pursuant to section 80 of the legislative law in accordance with the following schedule .....	380,757
	=====

PERSONAL SERVICE

Personal service-regular .....	363,090
Temporary service .....	10,000
Amount available for personal service .....	373,090

NONPERSONAL SERVICE

Supplies and materials .....	5,667
Contractual services .....	1,000
Equipment .....	1,000
Amount available for nonpersonal service .....	7,667

NATIONAL CONFERENCE OF STATE LEGISLATURES

For a contribution to the National Conference of State Legislatures in accordance with the following schedule .....	380,867
	=====

NONPERSONAL SERVICE

Supplies and materials .....	380,867
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LEGISLATURE AND JUDICIARY 2009-10

1 Amount available for nonpersonal service ..... 380,867  
2 .....

3 LEGISLATIVE HEALTH SERVICE

4 For services and expenses for the operation of the legis-  
5 lative health service in accordance with the following  
6 schedule ..... 213,400  
7 .....

8 PERSONAL SERVICE

9 Personal service-regular ..... 185,400  
10 .....

11 Amount available for personal service ..... 185,400  
12 .....

13 NONPERSONAL SERVICE

14 Supplies and materials ..... 26,000  
15 Contractual services ..... 1,000  
16 Equipment ..... 1,000  
17 .....

18 Amount available for nonpersonal service ..... 28,000  
19 .....

20 LEGISLATIVE LIBRARY

21 For services and expenses and for temporary and special  
22 services for the operation of the legislative library in  
23 accordance with the following schedule ..... 806,284  
24 .....

25 PERSONAL SERVICE

26 Personal service-regular ..... 413,484  
27 Temporary service ..... 10,000  
28 .....

29 Amount available for personal service ..... 423,484  
30 .....

31 NONPERSONAL SERVICE

32 Supplies and materials ..... 250,000  
33 Contractual services ..... 100,000  
34 Equipment ..... 32,800  
35 .....

36 Amount available for nonpersonal service ..... 382,800  
37 .....

38 LEGISLATIVE MESSENGER SERVICE

39 For services and expenses for the operation of the legis-  
40 lative messenger service in accordance with the follow-  
41 ing schedule ..... 917,000



## LEGISLATURE AND JUDICIARY 2009-10

1			=====
2		PERSONAL SERVICE	
3	Personal service-regular .....	905,000	
4	Temporary service .....	10,000	
5			
6	Amount available for personal service .....	915,000	
7			
8		NONPERSONAL SERVICE	
9	Supplies and materials .....	2,000	
10			
11	Amount available for nonpersonal service .....	2,000	
12			
13		LEGISLATIVE BILL DRAFTING COMMISSION	
14	For services and expenses, temporary and special services,		
15	and for expenses of maintenance and operation, including		
16	travel outside of the state, in accordance with the		
17	following schedule .....	13,140,891	
18			=====
19		PERSONAL SERVICE	
20	Personal service-regular .....	10,695,644	
21	Temporary service .....	170,950	
22			
23	Amount available for personal service .....	10,866,594	
24			
25		NONPERSONAL SERVICE	
26	Supplies and materials .....	335,375	
27	Travel .....	51,088	
28	Contractual services .....	1,727,437	
29	Equipment .....	160,397	
30			
31	Amount available for nonpersonal service .....	2,274,297	
32			
33		LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT	
34	For services and expenses (including liabilities		
35	incurred prior to April 1, 2009) of the task force for		
36	senate purposes in accordance with the following sche-		
37	dule .....	361,944	
38			=====

LEGISLATURE AND JUDICIARY 2009-10

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PERSONAL SERVICE

Personal service-regular .....	350,542
Temporary service .....	5,000
Amount available for personal service .....	355,542

NONPERSONAL SERVICE

Travel .....	3,000
Contractual services .....	3,402
Amount available for nonpersonal service .....	6,402

For services and expenses (including liabilities incurred prior to April 1, 2009) of the task force for assembly purposes in accordance with the following schedule ..... 361,944

PERSONAL SERVICE

Personal service-regular .....	340,542
Temporary service .....	10,000
Amount available for personal service .....	350,542

NONPERSONAL SERVICE

Travel .....	1,000
Contractual services .....	10,402
Amount available for nonpersonal service .....	11,402

For services and expenses (including liabilities incurred prior to April 1, 2009) of the task force for joint operations in accordance with the following schedule ..... 1,153,646

PERSONAL SERVICE

Personal service-regular .....	803,601
Temporary service .....	10,000
Amount available for personal service .....	813,601



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NONPERSONAL SERVICE

Supplies and materials .....	15,000
Travel .....	5,000
Contractual services .....	110,045
Equipment .....	210,000
Amount available for nonpersonal service .....	340,045

SPECIAL REVENUE FUNDS -- OTHER  
LEGISLATIVE COMPUTER SERVICES FUND

For services and expenses of the Legislative Computer Services Fund in accordance with the following schedule .... 1,500,000

NONPERSONAL SERVICE

Contractual services .....	1,000,000
Equipment .....	500,000
Amount available for nonpersonal service .....	1,500,000

SENATE RECYCLABLE MATERIALS,  
INFORMATION SERVICES AND CONFERENCE FUND

For services and expenses of the Senate Recyclable Materials, Information Services and Conference Fund in accordance with the following schedule ..... 50,000

NONPERSONAL SERVICE

Supplies and materials .....	50,000
Amount available for nonpersonal service .....	50,000

ASSEMBLY RECYCLABLE MATERIALS,  
INFORMATION SERVICES AND CONFERENCE FUND

For services and expenses of the Assembly Recyclable Materials, Information Services and Conference Fund in accordance with the following schedule ..... 50,000

NONPERSONAL SERVICE

Supplies and materials .....	50,000
Amount available for nonpersonal service .....	50,000



LEGISLATURE AND JUDICIARY 2009-10

1 GRANTS AND BEQUESTS FUND

2 LEGISLATURE

3 THE SENATE

4 For services and expenses relative to restoration of the  
 5 Senate Chamber and other purposes as funded by non-state  
 6 grants in accordance with the following schedule ..... 250,000  
 7 .....

8 NONPERSONAL SERVICE

9 Contractual services ..... 250,000  
 10 .....  
 11 Amount available for nonpersonal service ..... 250,000  
 12 .....

13 THE ASSEMBLY

14 For services and expenses relative to restoration of the  
 15 Assembly Chamber and other purposes as funded by non-  
 16 state grants in accordance with the following schedule ..... 250,000  
 17 .....

18 NONPERSONAL SERVICE

19 Contractual services ..... 250,000  
 20 .....  
 21 Amount available for nonpersonal service ..... 250,000  
 22 .....



## LEGISLATURE AND JUDICIARY 2009-10

## THE JUDICIARY

1

2 § 2. (a) The several amounts named in this section, or so much thereof  
3 as shall be sufficient to accomplish the purposes designated by the  
4 appropriations, are hereby appropriated and authorized to be paid as  
5 hereinafter provided, to the respective public officers and for the  
6 several purposes specified, which amounts shall be available for the  
7 fiscal year beginning April 1, 2009.

8 (b) Notwithstanding any other provision of law, the compensation of  
9 state-paid judges and justices of the unified court system and of hous-  
10 ing judges of the New York city civil court shall be adjusted in accord-  
11 ance with the following and such adjustments shall be funded from avail-  
12 able appropriations named in this act:

13 (1) A justice of the supreme court shall receive an annual salary of  
14 one hundred sixty-two thousand, one hundred dollars, effective April  
15 first, two thousand five; an annual salary of one hundred sixty-five  
16 thousand, two hundred dollars effective April first, two thousand six;  
17 an annual salary of one hundred sixty-nine thousand, three hundred  
18 dollars, effective April first, two thousand eight; and an annual salary  
19 equaling that of a judge of the United States district court, effective  
20 April first, two thousand nine.

21 (2) Commencing April first, two thousand five, the following judges  
22 and justices shall receive an annual salary equaling that of a justice  
23 of the supreme court plus a percentage thereof, as set forth herein;

24 (i) chief judge of the court of appeals, fourteen and twelve one  
25 hundredths percent;

26 (ii) associate judges and justices of the court of appeals, ten and  
27 sixty-one one hundredths percent;

28 (iii) presiding justices of the appellate division, seven and ninety-  
29 seven one hundredths percent;

30 (iv) associate justices of the appellate division, the presiding judge  
31 of the court of claims and judges and justices who are designated deputy  
32 chief administrative judges, five and thirty-four one hundredths  
33 percent;

34 (v) presiding justices of the appellate term, judges who are desig-  
35 nated deputy or assistant administrative judges within the city of New  
36 York and judges or justices who are designated administrative judges for  
37 a judicial district or county outside the city of New York, three and  
38 fifty-one one hundredths percent;

39 (vi) associate justices of the appellate term, two and nineteen one  
40 hundredths percent; and

41 (vii) judges of the court of claims, no additional percentage.

42 (3) Commencing April first, two thousand five, the following judges  
43 shall receive an annual salary equaling a percentage of that of a  
44 justice of the supreme court, as set forth herein:

45 (i) judges of the county court, judges of the family court and judges  
46 of the surrogate's court, ninety-five percent;

47 (ii) judges of the New York city civil court, judges of the New York  
48 city criminal court and judges of the district court, ninety-three  
49 percent; and

50 (iii) judges of the city court outside the city of New York who are  
51 not permitted to practice law, ninety percent.

52 Notwithstanding the foregoing, any judge specified in subparagraph (i)  
53 of this paragraph, in an office that on March thirty-first, two thousand

## LEGISLATURE AND JUDICIARY 2009-10

1 five was paid an annual salary that was more than ninety-five percent of  
 2 the annual salary paid a justice of the supreme court on such date,  
 3 shall receive an annual salary equaling an amount bearing the same  
 4 proportion to the salary of a justice of the supreme court as the annual  
 5 salary of his or her office bore to the salary of a justice of the  
 6 supreme court on March thirty-first, two thousand five. In the event a  
 7 new judgeship is established for a county court, family court or surro-  
 8 gate's court on a date after March thirty-first, two thousand five, the  
 9 annual salary for such office shall equal the annual salary for each  
 10 other judgeship already established for such court on such date.

11 (4) (i) Commencing April first, two thousand five, each judge of a city  
 12 court who is permitted to practice law shall receive an annual salary  
 13 equaling an amount bearing the same proportion to the salary of the  
 14 lowest-paid judge of a city court who is not permitted to practice law  
 15 as the salary of his or her office on March thirty-first, two thousand  
 16 five bore to the salary of such lowest-paid judge on such day; except  
 17 that, effective April first, two thousand seven, each judge of a city  
 18 court outside the city of New York who is permitted to practice law  
 19 shall receive an annual salary equaling an amount bearing the same  
 20 proportion to the salary of the lowest-paid judge of a city court who is  
 21 not permitted to practice law as the salary of his or her office on  
 22 April first, two thousand seven bears to the salary for such lowest-  
 23 paid judge on such date pursuant to the provisions of chapter 493 of the  
 24 laws of 2006.

25 (ii) In the event a new judgeship is established for a city court  
 26 outside the city of New York after March thirty-first, two thousand  
 27 seven, and the person who holds such office is permitted to practice  
 28 law, the annual salary for such office on the date of its establishment  
 29 shall be as provided by law. Thereafter, the annual salary of such  
 30 office shall be as provided in subparagraph (i) of this paragraph except  
 31 that, for purposes of such subparagraph (i), the date on which such  
 32 office was established shall be substituted for the date specified ther-  
 33 ein.

34 (5) Commencing April first, two thousand five and notwithstanding any  
 35 other provision of this section, the annual salaries of each of the  
 36 following judges, as specified in paragraph three of this subdivision,  
 37 shall be increased by the amounts specified in this subparagraph:

38 (i) each chief judge of a city court outside the city of New York who  
 39 is not permitted to practice law, an amount equal to one and five one  
 40 hundredths percent of his or her annual salary as provided by law; and

41 (ii) each president of the board of judges of a district court, an  
 42 amount equal to three and forty-two one hundredths percent of his or her  
 43 annual salary as provided by law.

44 (6) Commencing April first, two thousand five, the annual salary of a  
 45 housing judge of the New York city civil court shall equal an amount  
 46 representing ninety-five percent of the annual salary of a judge of such  
 47 court as provided in subparagraph (ii) of paragraph three hereof.

48 For services and expenses including travel outside the  
 49 state and the payment of liabilities incurred prior to  
 50 April 1, 2009 in accordance with the following schedule.



LEGISLATURE AND JUDICIARY 2009-10

1 STATE OPERATIONS AND AID TO LOCALITIES 2009-10

2		APPROPRIATIONS	REAPPROPRIATIONS
3	General Fund - State and Local .....	2,269,057,771	61,800,000
4	Special Revenue Funds - Federal .....	9,100,000	20,050,000
5	Special Revenue Funds - Other .....	247,599,690	22,000,000
6		-----	-----
7	All Funds .....	2,525,757,461	103,850,000
8		=====	=====

9 JUDICIARY BUDGET SUMMARY OF NEW APPROPRIATIONS

10	Fund Type	State Operations	Aid to Localities	Capital Projects	Total
11	GF-St/Local	2,264,339,071	4,718,700	0	2,269,057,771
12	SR-Federal	9,100,000	0	0	9,100,000
13	SR-Other	124,046,406	123,553,284	0	247,599,690
14		-----	-----	-----	-----
15	All Funds	2,397,485,477	128,271,984	0	2,525,757,461
16		=====	=====	=====	=====

19 SCHEDULE

20 COURTS OF ORIGINAL JURISDICTION ..... 1,594,151,980

22 General Fund / State Operations  
23 State Purposes Account - 003

24 PERSONAL SERVICE

25 Personal service - regular ..... 1,267,117,501  
26 Personal service - temporary ..... 17,039,929  
27 Personal service - holiday / overtime  
28 compensation ..... 40,025,196  
29 .....  
30 Amount available for personal service .... 1,324,182,626  
31 .....

32 NONPERSONAL SERVICE

33 Supplies and Materials ..... 28,780,031  
34 Travel ..... 6,351,924  
35 Contractual Services ..... 166,586,122  
36 Equipment ..... 8,997,954  
37 .....  
38 Amount available for nonpersonal service ... 210,716,031  
39 .....



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MAINTENANCE UNDISTRIBUTED

For services and expenses including travel  
outside the state and the payment of  
liabilities incurred prior to April 1,  
2009 ..... 5,781,300  
Program account subtotal ..... 1,540,679,957

Special Revenue Funds - Other / State Operations  
New York City County Clerks'  
Operations Offset Fund - 368

For services and expenses as provided by  
section 94-a of the state finance law.

PERSONAL SERVICE

Personal service - regular ..... 18,982,725  
Personal service - temporary ..... 1,553,959  
Personal service - holiday / overtime  
compensation ..... 37,300  
Amount available for personal service ..... 20,573,984

NONPERSONAL SERVICE

Supplies and Materials ..... 218,009  
Travel ..... 7,500  
Contractual Services ..... 3,294,864  
Amount available for nonpersonal service ..... 3,520,373  
Program account subtotal ..... 24,094,357

Special Revenue Funds - Other / State Operations  
Judiciary Data Processing Offset Fund - 369

For services and expenses as provided by  
section 94-b of the state finance law.

PERSONAL SERVICE

Personal service - regular ..... 16,922,881  
Personal service - temporary ..... 1,026,549  
Personal service - holiday / overtime  
compensation ..... 115,565  
Program fund subtotal ..... 18,064,995



## LEGISLATURE AND JUDICIARY 2009-10

1	Special Revenue Funds - Other / State Operations	
2	Court Facilities Incentive Aid Fund - 340	
3		
	PERSONAL SERVICE	
4	Personal service - regular .....	709,732
5	Personal service - holiday / overtime	
6	compensation .....	2,939
7		
8	Program fund subtotal .....	712,671
9		
10	Special Revenue Funds - Federal / State Operations	
11	Federal Operating Grants Fund - 290	
12	Federal Miscellaneous Grants (Operating) Account	
13		
	MAINTENANCE UNDISTRIBUTED	
14	For services and expenses including travel	
15	outside the state and the payment of	
16	liabilities incurred prior to April 1,	
17	2009 .....	6,500,000
18		
19	Program account subtotal .....	6,500,000
20		
21	Special Revenue Funds - Federal / State Operations	
22	Federal Grants - Health and Human Services - 265	
23		
	MAINTENANCE UNDISTRIBUTED	
24	For services and expenses including travel	
25	outside the state and the payment of	
26	liabilities incurred prior to April 1,	
27	2009 .....	2,600,000
28		
29	Program account subtotal .....	2,600,000
30		
31	Special Revenue Funds - Other / State Operations	
32	Miscellaneous Special Revenue Funds - 339	
33		
	MAINTENANCE UNDISTRIBUTED	
34	For services and expenses including travel	
35	outside the state and the payment of	
36	liabilities incurred prior to April 1,	
37	2009 .....	1,500,000
38		
39	Program fund subtotal .....	1,500,000
40		
41	COURT OF APPEALS AND LAW REPORTING BUREAU .....	16,308,446
42		

LEGISLATURE AND JUDICIARY 2009-10

1 General Fund / State Operations  
2 State Purposes Account - 003

3 PERSONAL SERVICE

4 Personal service - regular ..... 13,040,666  
5 Personal service - temporary ..... 155,382  
6 Personal service - holiday / overtime  
7 compensation ..... 80,960  
8 .....  
9 Amount available for personal service ..... 13,277,008  
10 .....

11 NONPERSONAL SERVICE

12 Supplies and Materials ..... 995,200  
13 Travel ..... 438,029  
14 Contractual Services ..... 1,548,209  
15 Equipment ..... 50,000  
16 .....  
17 Amount available for nonpersonal service ..... 3,031,438  
18 .....  
19 Program account subtotal ..... 16,308,446  
20 .....

21 APPELLATE COURT OPERATIONS ..... 76,936,614  
22 .....

23 General Fund / State Operations  
24 State Purposes Account - 003

25 PERSONAL SERVICE

26 Personal service - regular ..... 69,437,837  
27 Personal service - temporary ..... 1,208,464  
28 Personal service - holiday / overtime  
29 compensation ..... 247,525  
30 .....  
31 Amount available for personal service ..... 70,893,826  
32 .....

33 NONPERSONAL SERVICE

34 Supplies and Materials ..... 2,466,604  
35 Travel ..... 638,675  
36 Contractual Services ..... 2,587,509  
37 Equipment ..... 350,000  
38 .....  
39 Amount available for nonpersonal service ..... 6,042,788  
40 .....  
41 Program account subtotal ..... 76,936,614  
42 .....



## LEGISLATURE AND JUDICIARY 2009-10

1	APPELLATE AUXILIARY OPERATIONS .....	167,021,028
2		.....
3	General Fund / State Operations	
4	State Purposes Account - 003	
5	PERSONAL SERVICE	
6	Personal service - regular .....	24,972,786
7	Personal service - temporary .....	1,879,743
8	Personal service - holiday / overtime	
9	compensation .....	1,000
10		.....
11	Amount available for personal service .....	26,853,529
12		.....
13	NONPERSONAL SERVICE	
14	Supplies and Materials .....	377,830
15	Travel .....	506,704
16	Contractual Services .....	91,855,744
17		.....
18	Amount available for nonpersonal service .....	92,740,278
19		.....
20	Program account subtotal .....	119,593,807
21		.....
22	Special Revenue Funds - State / State Operations	
23	Attorney Licensing Fund	
24	For services and expenses funded from fees	
25	required pursuant to section 468-a of the	
26	judiciary law	
27	PERSONAL SERVICE	
28	Personal service - regular .....	15,947,399
29	Personal service - temporary .....	596,748
30	Personal service - holiday / overtime	
31	compensation .....	1,300
32		.....
33	Amount available for personal service .....	16,545,447
34		.....
35	NONPERSONAL SERVICE	
36	Supplies and Materials .....	359,211
37	Travel .....	157,794
38	Contractual Services .....	5,364,769
39		.....
40	Amount available for nonpersonal service .....	5,881,774
41		.....
42	Program fund subtotal .....	22,427,221
43		.....

LEGISLATURE AND JUDICIARY 2009-10

1 Special Revenue Funds - State / State Operations  
2 Indigent Legal Services Fund - 390

3 For services and expenses as provided by  
4 section 98-b of the state finance law.

5 NONPERSONAL SERVICE

6 Contractual Services ..... 25,000,000  
7 .....  
8 Program fund subtotal ..... 25,000,000  
9 .....

10 ADMINISTRATION AND GENERAL SUPPORT ..... 27,637,037  
11 .....

12 General Fund / State Operations  
13 State Purposes Account - 003

14 PERSONAL SERVICE

15 Personal service - regular ..... 17,063,117  
16 Personal service - temporary ..... 3,895,044  
17 Personal service - holiday / overtime  
18 compensation ..... 356,850  
19 .....  
20 Amount available for personal service ..... 21,315,011  
21 .....

22 NONPERSONAL SERVICE

23 Supplies and Materials ..... 547,412  
24 Travel ..... 556,895  
25 Contractual Services ..... 2,251,380  
26 .....  
27 Amount available for nonpersonal service ..... 3,355,687  
28 .....  
29 Program account subtotal ..... 24,670,698  
30 .....

31 Special Revenue Funds - Other / State Operations  
32 Court Facilities Incentive Aid Fund - 340

33 PERSONAL SERVICE

34 Personal service - regular ..... 571,031  
35 Personal service - temporary ..... 455,524  
36 .....  
37 Amount available for personal service ..... 1,026,555  
38 .....



## LEGISLATURE AND JUDICIARY 2009-10

1

## NONPERSONAL SERVICE

2 Supplies and Materials ..... 1,500  
 3 Travel ..... 10,000  
 4 Contractual Services ..... 601,250  
 5 .....  
 6 Amount available for nonpersonal service ..... 612,750  
 7 .....  
 8 Program account subtotal ..... 1,639,305  
 9 .....

10 Special Revenue Funds - Other / State Operations  
 11 Attorney Licensing Fund

12 For services and expenses funded from fees  
 13 required pursuant to section 468-a of the  
 14 judiciary law.

15

## PERSONAL SERVICE

16 Personal service - regular ..... 507,978  
 17 Personal service - temporary ..... 206,925  
 18 Personal service - holiday / overtime  
 19 compensation ..... 28,000  
 20 .....  
 21 Amount available for personal service ..... 742,903  
 22 .....

23

## NONPERSONAL SERVICE

24 Supplies and Materials ..... 24,087  
 25 Travel ..... 3,240  
 26 Contractual Services ..... 556,804  
 27 .....  
 28 Amount available for nonpersonal service ..... 584,131  
 29 .....  
 30 Program account subtotal ..... 1,327,034  
 31 .....

32 JUDICIARY-WIDE MAINTENANCE UNDISTRIBUTED ..... 8,677,744  
 33 .....

34 General Fund / State Operations  
 35 State Purposes Account - 003

36

## PERSONAL SERVICE

37 Personal service - regular ..... 4,901,472  
 38 Personal service - temporary ..... 471,046  
 39 .....  
 40 Amount available for personal service ..... 5,372,518  
 41 .....



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LEGISLATURE AND JUDICIARY 2009-10

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NONPERSONAL SERVICE

Supplies and Materials .....	7,000
Travel .....	15,000
Contractual Services .....	1,422,446
Amount available for nonpersonal service .....	1,444,446
Program account subtotal .....	6,816,964

Special Revenue Funds - Other / State Operations  
Attorney Licensing Fund

For services and expenses funded from fees required pursuant to section 468-a of the judiciary law.

PERSONAL SERVICE

Personal service - regular .....	545,584
Personal service - temporary .....	826,037
Amount available for personal service .....	1,371,621

NONPERSONAL SERVICE

Supplies and Materials .....	16,403
Travel .....	49,250
Contractual Services .....	423,506
Amount available for nonpersonal service .....	489,159
Program account subtotal .....	1,860,780

GENERAL STATE CHARGES

EMPLOYEE FRINGE BENEFITS .....	493,851,051
--------------------------------	-------------

General Fund / State Operations  
State Purposes Account - 003

NONPERSONAL SERVICE

For Fringe Benefits .....	479,332,585
Program account subtotal .....	479,332,585

Special Revenue Funds - Other / State Operations  
Attorney Licensing Fund





## LEGISLATURE AND JUDICIARY 2009-10

1	NONPERSONAL SERVICE	
2	For Fringe Benefits .....	4,525,020
3		.....
4	Program fund subtotal .....	4,525,020
5		.....
6	Special Revenue Funds - Other / State Operations	
7	Court Facilities Incentive Aid Fund - 340	
8	NONPERSONAL SERVICE	
9	For Fringe Benefits .....	465,192
10		.....
11	Program fund subtotal .....	465,192
12		.....
13	Special Revenue Funds - Other / State Operations	
14	Lawyers' Fund for Client Protection of the State of New York - 306	
15	NONPERSONAL SERVICE	
16	For Fringe Benefits .....	98,000
17		.....
18	Program fund subtotal .....	98,000
19		.....
20	Special Revenue Funds - Other / State Operations	
21	New York City County Clerks'	
22	Operations Offset Fund - 368	
23	NONPERSONAL SERVICE	
24	For Fringe Benefits .....	5,539,579
25		.....
26	Program fund subtotal .....	5,539,579
27		.....
28	Special Revenue Funds - Other / State Operations	
29	Judiciary Data Processing Offset Fund - 369	
30	NONPERSONAL SERVICE	
31	For Fringe Benefits .....	3,890,675
32		.....
33	Program fund subtotal .....	3,890,675
34		.....
35	CLIENT PROTECTION	
36	LAWYERS' CLIENT PROTECTION .....	12,901,577
37		.....
38	Special Revenue Funds - Other/State Operations	



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LEGISLATURE AND JUDICIARY 2009-10

1 Lawyers' Fund for Client Protection of the State of New  
2 York - 306

3 For expenses associated with the operation  
4 of the Lawyers' Fund for Client Protection  
5 of the State of New York; provided that,  
6 notwithstanding any other provision of law  
7 to the contrary, and in accordance with  
8 section 4 of the state finance law, the  
9 state comptroller is hereby authorized and  
10 directed to transfer, upon the request of  
11 the chief administrator of the courts, up  
12 to \$3,750,000 from the Special Revenue  
13 Funds - Other/State Operations Attorney  
14 Licensing Fund to the Lawyers' Fund for  
15 Client Protection of the State of New York  
16 on or before March 31, 2010.

17 PERSONAL SERVICE

18 Personal service - regular ..... 691,777  
19 Personal service - temporary ..... 10,000  
20 .....  
21 Amount available for personal service ..... 701,777  
22 .....

23 NONPERSONAL SERVICE

24 Supplies and Materials ..... 14,800  
25 Travel ..... 25,000  
26 Contractual Services ..... 12,155,000  
27 Equipment ..... 5,000  
28 .....  
29 Amount available for nonpersonal service .... 12,199,800  
30 .....  
31 Program fund subtotal ..... 12,901,577  
32 .....

33 AID TO LOCALITIES

34 General Fund ..... 4,718,700  
35 Special Revenue Funds - Other ..... 123,553,284  
36 .....  
37 All Funds ..... 128,271,984  
38 =====

39 COURTS OF ORIGINAL JURISDICTION ..... 4,718,700  
40 .....

41 General Fund / State Operations  
42 Local Assistance Account - 001



LEGISLATURE AND JUDICIARY 2009-10

1 MAINTENANCE UNDISTRIBUTED

2 For services and expenses including travel

3 outside the state and the payment of

4 liabilities incurred prior to April 1,

5 2009 ..... 4,718,700

6 .....

7 Program account subtotal ..... 4,718,700

8 .....

9 COURT FACILITIES INCENTIVE AID ..... 123,553,284

10 .....

11 Special Revenue Funds - Other / Aid to Localities

12 Court Facilities Incentive Aid Fund - 340

13 For expenses necessary to implement the

14 provisions of law relating to the furnish-

15 ing of court facilities and the provisions

16 of section 219-a of the judiciary law;

17 provided that, notwithstanding any other

18 provision of law to the contrary, and in

19 accordance with section 4 of the state

20 finance law, where moneys in the court

21 facilities incentive aid fund, including

22 such moneys as may be transferred thereto

23 pursuant to subdivision 6 of section 94 of

24 the state finance law, are insufficient to

25 meet vouchers presented for payment

26 charged to this appropriation or for

27 transfers made pursuant to paragraph (b)

28 of subdivision 2 of such section, the

29 state comptroller is hereby authorized and

30 directed to transfer, upon the request of

31 the chief administrator of the courts,

32 sufficient moneys to meet such vouchers or

33 to permit such transfers, not exceeding

34 \$50,000,000 from the General Fund to the

35 Court Facilities Incentive Aid Fund on or

36 before March 31, 2010.

37 NONPERSONAL SERVICE

38 Grants ..... 123,553,284

39 .....

40 Program fund subtotal ..... 123,553,284

41 .....



LEGISLATURE AND JUDICIARY 2009-10

1

REAPPROPRIATIONS

2  
3  
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§ 3. The several amounts named in this section, or so much thereof as shall be sufficient to accomplish the purposes designated, being the unexpended balances of a prior year's appropriation, are hereby reappropriated from the same funds and made available for the same purposes as the prior year's appropriation, unless amended herein, for the state fiscal year beginning April 1, 2009.

8  
9

THE JUDICIARY  
STATE OPERATIONS

10

SCHEDULE

11

COURTS OF ORIGINAL JURISDICTION

12  
13  
14

- Special Revenue Funds - Federal / State Operations
- Federal Operating Grants Fund - 290
- Federal Miscellaneous Grants (Operating) Account

15

MAINTENANCE UNDISTRIBUTED

16  
17  
18  
19

By chapter 51, section 2, of the laws of 2008:  
 For services and expenses including travel outside the state and the payment of liabilities incurred prior to April 1, 2008 .....  
 8,000,000 ..... (re. \$8,000,000)

20  
21  
22  
23  
24

By chapter 51, section 2, of the laws of 2007, as reappropriated by chapter 51, section 3, of the laws of 2008:  
 For services and expenses of drug court operations .....  
 3,000,000 ..... (re. \$2,000,000)  
 Maintenance Undistributed ... 4,800,000 ..... (re. \$4,000,000)

25  
26  
27  
28  
29

By chapter 51, section 2, of the laws of 2006, as reappropriated by chapter 51, section 3, of the laws of 2008:  
 For services and expenses of drug court operations .....  
 3,000,000 ..... (re. \$600,000)  
 Maintenance Undistributed ... 3,500,000 ..... (re. \$1,800,000)

30  
31  
32  
33  
34

By chapter 51, section 2, of the laws of 2005, as reappropriated by chapter 51, section 3, of the laws of 2008:  
 For services and expenses of drug court operations .....  
 4,000,000 ..... (re. \$700,000)  
 Maintenance Undistributed ... 3,500,000 ..... (re. \$200,000)

35  
36  
37  
38

By chapter 51, section 2, of the laws of 2004, as reappropriated by chapter 51, section 3, of the laws of 2008:  
 For services and expenses of drug court operations .....  
 6,000,000 ..... (re. \$350,000)

39  
40  
41  
42

By chapter 51, section 2, of the laws of 2003, as reappropriated by chapter 51, section 3, of the laws of 2008:  
 For services and expenses of drug court operations .....  
 4,000,000 ..... (re. \$400,000)



## LEGISLATURE AND JUDICIARY 2009-10

1 Special Revenue Funds - Federal / State Operations  
2 Federal Health and Human Services - 265

## 3 MAINTENANCE UNDISTRIBUTED

4 By chapter 51, section 2, of the laws of 2008:

5 For services and expenses including travel outside the state and the  
6 payment of liabilities incurred prior to April 1, 2008 .....  
7 1,100,000 ..... (re. \$1,100,000)

8 By chapter 51, section 2, of the laws of 2007, as reappropriated by  
9 chapter 51, section 3, of the laws of 2008:

10 For services and expenses of drug court operations .....  
11 500,000 ..... (re. \$500,000)  
12 Maintenance Undistributed ... 500,000 ..... (re. \$400,000)

13 Special Revenue Funds - Other / State Operations  
14 Miscellaneous Special Revenue Fund - 339

## 15 MAINTENANCE UNDISTRIBUTED

16 By chapter 51, section 2, of the laws of 2008:

17 For services and expenses including travel outside the state and the  
18 payment of liabilities incurred prior to April 1, 2008 .....  
19 1,500,000 ..... (re. \$1,500,000)

20 By chapter 51, section 2, of the laws of 2007, as reappropriated by  
21 chapter 51, section 3, of the laws of 2008:

22 Maintenance Undistributed ... 1,250,000 ..... (re. \$500,000)

## 23 APPELLATE AUXILIARY OPERATIONS

24 General Fund / State Operations  
25 State Purposes Account - 003

26 By chapter 51, section 2, of the laws of 2008:

## 27 NONPERSONAL SERVICE

28 Contractual services ... 87,326,647 ..... (re. \$2,000,000)

## 29 JUDICIARY-WIDE MAINTENANCE UNDISTRIBUTED

30 General Fund / State Operations  
31 State Purposes Account - 003

32 The appropriation made by chapter 51, section 2, of the laws of 2008, is  
33 hereby amended and reappropriated to read:

34 For expenses necessary to fund adjustments in the compensation of  
35 state-paid judges and justices of the unified court system and of  
36 housing judges of the New York city civil court, [pursuant to a  
37 subsequent chapter of law specifying such salary levels] and for  
38 such other services and expenses specified in section two of this  
39 act.

LEGISLATURE AND JUDICIARY 2009-10

1 PERSONAL SERVICE

2 Personal service - regular ... 51,006,759 ..... (re. \$48,000,000)

3 COURT FACILITIES INCENTIVE AID

4 Special Revenue Funds - Other / Aid to Localities  
5 Court Facilities Incentive Aid Fund - 340

6 By chapter 51, section 2, of the laws of 2008:

7 For expenses necessary to implement the provisions of law relating to  
8 the furnishing of court facilities and the provisions of section  
9 219-a of the judiciary law; provided that, notwithstanding any other  
10 provision of law to the contrary, and in accordance with section 4  
11 of the state finance law, where moneys in the court facilities  
12 incentive aid fund, including such moneys as may be transferred  
13 thereto pursuant to subdivision 6 of section 94 of the state finance  
14 law, are insufficient to meet vouchers presented for payment charged  
15 to this appropriation or for transfers made pursuant to paragraph  
16 (b) of subdivision 2 of such section, the state comptroller is here-  
17 by authorized and directed to transfer, upon the request of the  
18 chief administrator of the courts, sufficient moneys to meet such  
19 vouchers or to permit such transfers, not exceeding \$50,000,000 from  
20 the General Fund to the Court Facilities Incentive Aid Fund on or  
21 before March 31, 2009.

22 NONPERSONAL SERVICE

23 Grants ... 123,553,284 ..... (re. \$20,000,000)

24 CAPITAL PROJECTS

25 COURTHOUSE IMPROVEMENTS (CCP)

26 Preservation of Facilities Purpose

27 By chapter 51, section 2, of the laws of 2007, as reappropriated by  
28 chapter 51, section 3, of the laws of 2008:

29 For expenses associated with improvements in the Court of Appeals  
30 Centennial Hall Annex (52JT0707) ... 20,000,000 .. (re. \$20,000,000)

31 For expenses associated with the acquisition of and improvements to a  
32 training academy in Kings County for the training of court security  
33 personnel (52JT0707) ... 33,700,000 ..... (re. \$33,700,000)

34 The appropriation made by chapter 51, section 2, of the laws of 2007, as  
35 reappropriated by chapter 51, section 3, of the laws of 2008, is  
36 hereby amended and reappropriated to read:

37 For expenses associated with the acquisition of and improvements to a  
38 training academy in [Saratoga County having multiple purposes  
39 including] Kings County for the training of court security personnel  
40 and for improvements in the Court of Appeals Centennial Hall Annex  
41 and the Justice Building quarters of the Appellate Division, Third  
42 Judicial Department (52JT0707) ... 24,200,000 .... (re. \$14,200,000)



LEGISLATURE AND JUDICIARY 2009-10

1 General Fund / State Operations  
2 State Purposes Account - 003

3 By chapter 276, section 10, of the laws of 2008:

4 The sum of one hundred sixty-three million dollars (\$163,000,000), or  
5 so much thereof as may be necessary, is hereby appropriated out of  
6 any moneys in the state treasury in the general fund to the credit  
7 of the state purposes account, not otherwise appropriated, and made  
8 immediately available to the administrative office of the courts for  
9 payment pursuant to the provisions of this act; provided, however,  
10 where the provisions of this act require expenditures that must be  
11 paid from appropriations from funds of the state other than the  
12 general fund or that, by established administrative practice, are  
13 paid from such funds, the chief administrator of the courts shall so  
14 certify to the comptroller, and thereupon the appropriation provided  
15 in this section shall be available for such expenditures .....  
16 \$163,000,000 ..... (re. \$11,800,000)



LEGISLATURE AND JUDICIARY 2009-10

1 § 4. The several amounts named herein, or so much thereof as shall be  
2 sufficient to accomplish the purpose designated, being the unexpended  
3 balances of prior year's appropriations, are hereby reappropriated from  
4 the same funds and made available for the same purposes as the prior  
5 year's appropriations, unless amended herein, for the state fiscal year  
6 beginning April 1, 2009.

7 For the purpose of complying with the state finance law, the chapter,  
8 section, and year of the last act reappropriating a former original  
9 appropriation or any part thereof was, unless otherwise indicated, chap-  
10 ter 51, section 4, of the laws of 2008. Where the full text of law being  
11 continued is not shown, leader dots ... are used. However, unless a  
12 change is clearly indicated by the use of brackets [ ] for deletions and  
13 italics for additions, the purposes, amounts, funding source and all  
14 other aspects pertinent to each item of appropriation shall be as last  
15 appropriated.

16 THE LEGISLATURE

17 GENERAL FUND / STATE OPERATIONS  
18 STATE PURPOSES ACCOUNT - 003

19 THE SENATE

20 SCHEDULE

21 PERSONAL SERVICE

22 By chapter 51, section 1, of the laws of 2008:  
23 For payment of salaries to Members, 62, pursuant to section 5 of the  
24 legislative law ... 4,929,000 ..... (re. \$1,569,916)  
25 For payment of allowances to members designated by the temporary pres-  
26 ident, pursuant to the schedule of such allowances set forth in  
27 section 5-a of the legislative law ... 1,289,500 .. (re. \$1,289,500)  
28 For personal service of employees and for temporary and expert  
29 services of majority leader and minority leader operations:  
30 Personal service-regular ... 13,932,104 ..... (re. \$4,566,090)  
31 Temporary service ... 463,500 ..... (re. \$463,500)  
32 For personal service of employees and for temporary and expert  
33 services of members' offices and of standing committees:  
34 Personal service-regular ... 30,490,686 ..... (re. \$9,451,704)  
35 Temporary service ... 927,000 ..... (re. \$927,000)  
36 For personal service of employees and for temporary and expert  
37 services for administrative support operations:  
38 Personal service-regular ... 17,330,265 ..... (re. \$6,125,084)  
39 Temporary service ... 103,000 ..... (re. \$103,000)  
40 For personal service of employees and for temporary and expert  
41 services for the senate student program office:  
42 Personal service-regular ... 184,500 ..... (re. \$87,325)  
43 Temporary service ... 482,047 ..... (re. \$221,074)  
44 For personal service of employees and for temporary and expert  
45 services for the senate select committee on interstate cooperation:  
46 Personal service-regular ... 75,601 ..... (re. \$38,283)  
47 Temporary service ... 2,000 ..... (re. \$2,000)





## LEGISLATURE AND JUDICIARY 2009-10

1 For personal service of employees and for temporary and expert  
 2 services for the senate special committee on arts and cultural  
 3 affairs:  
 4 Personal service-regular ... 75,601 ..... (re. \$75,601)  
 5 Temporary service ... 2,000 ..... (re. \$2,000)  
 6 For personal service of employees and for temporary and expert  
 7 services for the senate select committee on the disabled:  
 8 Personal service-regular ... 109,117 ..... (re. \$39,931)  
 9 Temporary service ... 5,000 ..... (re. \$5,000)

10 By chapter 51, section 1, of the laws of 2007:  
 11 For payment of salaries to Members, 62, pursuant to section 5 of the  
 12 legislative law ... 4,929,000 ..... (re. \$2,771,183)  
 13 For payment of allowances to members designated by the temporary pres-  
 14 ident, pursuant to the schedule of such allowances set forth in  
 15 section 5-a of the legislative law ... 1,289,500 .... (re. \$136,625)  
 16 For personal service of employees and for temporary and expert  
 17 services of majority leader and minority leader operations:  
 18 Personal service-regular ... 13,526,315 ..... (re. \$1,231)  
 19 Temporary service ... 450,000 ..... (re. \$399,906)  
 20 For personal service of employees and for temporary and expert  
 21 services of members' offices and of standing committees:  
 22 Personal service-regular ... 29,601,991 ..... (re. \$9,751)  
 23 For personal service of employees and for temporary and expert  
 24 services for administrative support operations:  
 25 Personal service-regular ... 16,825,500 ..... (re. \$1,545,694)  
 26 Temporary service ... 100,000 ..... (re. \$100,000)  
 27 For personal service of employees and for temporary and expert  
 28 services for the senate student program office:  
 29 Personal service-regular ... 150,000 ..... (re. \$43,215)  
 30 Temporary service ... 497,133 ..... (re. \$12,142)  
 31 For personal service of employees and for temporary and expert  
 32 services for the senate select committee on interstate cooperation:  
 33 Personal service-regular ... 75,601 ..... (re. \$6,091)  
 34 Temporary service ... 2,000 ..... (re. \$2,000)  
 35 For personal service of employees and for temporary and expert  
 36 services for the senate special committee on arts and cultural  
 37 affairs:  
 38 Personal service-regular ... 75,601 ..... (re. \$75,601)  
 39 Temporary service ... 2,000 ..... (re. \$2,000)  
 40 For personal service of employees and for temporary and expert  
 41 services for the senate select committee on the disabled:  
 42 Personal service-regular ... 109,117 ..... (re. \$12,117)  
 43 Temporary service ... 5,000 ..... (re. \$5,000)

## 44 NONPERSONAL SERVICE

45 By chapter 51, section 1, of the laws of 2008:  
 46 Non-employee services ... 40,000 ..... (re. \$26,403)  
 47 Supplies and materials ... 4,300,000 ..... (re. \$2,183,841)  
 48 Travel ... 1,400,000 ..... (re. \$713,888)  
 49 Rentals ... 1,200,000 ..... (re. \$773,468)  
 50 Equipment maintenance and repairs ... 3,450,000 ..... (re. \$2,538,882)  
 51 Office and space leases ... 3,350,000 ..... (re. \$3,014,111)

## LEGISLATURE AND JUDICIARY 2009-10

1	Utilities ... 400,000 .....	(re. \$334,076)
2	Postage and shipping ... 5,900,000 .....	(re. \$3,994,157)
3	Printing ... 100,000 .....	(re. \$37,250)
4	Telephone and telegraph ... 1,500,000 .....	(re. \$797,670)
5	Miscellaneous contractual services ... 1,500,000 .....	(re. \$1,344,095)
6	Equipment ... 1,980,000 .....	(re. \$930,093)
7	By chapter 51, section 1, of the laws of 2007:	
8	Non-employee services ... 300,000 .....	(re. \$280,699)
9	Supplies and materials ... 3,000,000 .....	(re. \$1,507,896)
10	Travel ... 1,500,000 .....	(re. \$1,013,220)
11	Rentals ... 1,400,000 .....	(re. \$923,053)
12	Equipment maintenance and repairs ... 1,400,000 .....	(re. \$617,433)
13	Office and space leases ... 3,700,000 .....	(re. \$1,497,829)
14	Utilities ... 1,300,000 .....	(re. \$932,811)
15	Postage and shipping ... 5,700,000 .....	(re. \$555,385)
16	Printing ... 200,000 .....	(re. \$28,523)
17	Telephone and telegraph ... 2,400,000 .....	(re. \$1,971,164)
18	Miscellaneous contractual services ... 300,000 .....	(re. \$23,024)
19	Equipment ... 3,000,000 .....	(re. \$1,349,366)

## THE ASSEMBLY

## SCHEDULE

## PERSONAL SERVICE

23	By chapter 51, section 1, of the laws of 2008:	
24	For personal service of employees and for temporary and expert	
25	services of members' offices and of standing committees and subcom-	
26	mittees:	
27	Personal service-regular ... 24,104,551 .....	(re. \$50,000)
28	Temporary service ... 2,359,046 .....	(re. \$150,000)
29	For personal service of employees and for temporary and expert	
30	services for administrative and program support operations:	
31	Personal service-regular ... 40,434,865 .....	(re. \$3,500,000)
32	Temporary service ... 480,690 .....	(re. \$300,000)
33	For the Assembly Intern and Youth Participation Program for personal	
34	service of employees and for temporary and expert services:	
35	Personal service-regular ... 233,159 .....	(re. \$10,000)
36	Temporary service ... 735,745 .....	(re. \$100,000)
37	By chapter 51, section 1, of the laws of 2007:	
38	For personal service of employees and for temporary and expert	
39	services of members' offices and of standing committees and subcom-	
40	mittees:	
41	Personal service-regular ... 23,261,000 .....	(re. \$23,428)
42	Temporary service ... 2,276,500 .....	(re. \$42,820)
43	For personal service of employees and for temporary and expert	
44	services for administrative and program support operations:	
45	Personal service-regular ... 39,020,000 .....	(re. \$64,134)
46	Temporary service ... 463,870 .....	(re. \$21,469)
47	By chapter 51, section 1, of the laws of 2006:	



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## LEGISLATURE AND JUDICIARY 2009-10

1	For personal service of employees and for temporary and expert	
2	services for administrative and program support operations ...	
3	32,900,621 .....	(re. \$76,539)
4	By chapter 51, section 1, of the laws of 2005:	
5	For personal service of employees and for temporary and expert	
6	services of members' offices and of standing committees and subcom-	
7	mittees ... 28,100,316 .....	(re. \$64,098)
8	For personal service of employees and for temporary and expert	
9	services for administrative and program support operations .....	
10	31,942,350 .....	(re. \$78,265)
11	By chapter 51, section 1, of the laws of 2001:	
12	For personal service of employees and for temporary and expert	
13	services of members' offices and of standing committees and subcom-	
14	mittees ... 27,474,381 .....	(re. \$549,894)
15	By chapter 51, section 4, of the laws of 2003, as consolidated and reap-	
16	propriated:	
17	For services and expenses of the assembly (including liabilities	
18	incurred prior to April 1, 2003) .....	(re. \$3,728,000)
19	By chapter 51, section 1, of the laws of 1992:	
20	Members, 150, payment of salaries pursuant to section 5 of the legis-	
21	lative law ... 8,625,000 .....	(re. \$25,433)

## NONPERSONAL SERVICE

22		
23	By chapter 51, section 1, of the laws of 2008:	
24	Non-employee services ... 20,000 .....	(re. \$15,000)
25	Supplies and materials ... 2,100,000 .....	(re. \$300,000)
26	Travel ... 2,750,000 .....	(re. \$350,000)
27	Rentals ... 700,000 .....	(re. \$50,000)
28	Equipment maintenance and repairs ... 800,000 .....	(re. \$240,000)
29	Office and space leases ... 6,450,000 .....	(re. \$900,000)
30	Utilities ... 600,000 .....	(re. \$20,000)
31	Postage and shipping ... 5,250,000 .....	(re. \$750,000)
32	Printing ... 40,000 .....	(re. \$10,000)
33	Telephone and telegraph ... 1,800,000 .....	(re. \$500,000)
34	Miscellaneous contractual services ... 1,650,000 .....	(re. \$170,000)
35	Equipment ... 2,500,000 .....	(re. \$1,700,000)
36	By chapter 51, section 1, of the laws of 2007:	
37	Non-employee services ... 20,000 .....	(re. \$11,257)
38	Supplies and materials ... 2,100,000 .....	(re. \$282,029)
39	Travel ... 2,750,000 .....	(re. \$371,672)
40	Rentals ... 700,000 .....	(re. \$27,382)
41	Equipment maintenance and repairs ... 800,000 .....	(re. \$241,471)
42	Office and space leases ... 6,200,000 .....	(re. \$750,000)
43	Utilities ... 600,000 .....	(re. \$814)
44	Postage and shipping ... 4,900,000 .....	(re. \$447,454)
45	Printing ... 40,000 .....	(re. \$7,398)
46	Telephone and telegraph ... 1,800,000 .....	(re. \$289,797)
47	Miscellaneous contractual services ... 1,600,000 .....	(re. \$161,886)

LEGISLATURE AND JUDICIARY 2009-10

- 1 Equipment ... 2,439,000 ..... (re. \$1,879,876)
- 2 By chapter 51, section 1, of the laws of 2006:
- 3 For services and expenses of maintenance and operations ... ..
- 4 22,550,000 ..... (re. \$2,395,317)
- 5 By chapter 51, section 1, of the laws of 2005:
- 6 For services and expenses of maintenance and operations ... ..
- 7 21,600,000 ..... (re. \$359,329)

SENATE FINANCE COMMITTEE

- 9 By chapter 51, section 1, of the laws of 2006:
- 10 For personal service, temporary and special services ... ..
- 11 5,551,277 ..... (re. \$5,551,277)
- 12 By chapter 51, section 1, of the laws of 2005:
- 13 For personal service, temporary and special services ... ..
- 14 5,389,589 ..... (re. \$5,389,589)

ASSEMBLY WAYS AND MEANS COMMITTEE

16 By chapter 51, section 1, of the laws of 2008:

PERSONAL SERVICE

- 18 Personal service-regular ... 5,344,349 ..... (re. \$50,000)
- 19 Temporary service ... 160,000 ..... (re. \$135,000)

NONPERSONAL SERVICE

- 21 Supplies and materials ... 190,000 ..... (re. \$190,000)
- 22 Travel ... 30,000 ..... (re. \$30,000)
- 23 Contractual services ... 115,000 ..... (re. \$95,000)
- 24 Equipment ... 50,000 ..... (re. \$50,000)

25 By chapter 51, section 1, of the laws of 2007:

PERSONAL SERVICE

- 27 Personal service-regular ... 5,172,815 ..... (re. \$22,000)
- 28 Temporary service ... 160,000 ..... (re. \$10,638)

NONPERSONAL SERVICE

- 30 Supplies and materials ... 190,000 ..... (re. \$46,000)
- 31 Travel ... 30,000 ..... (re. \$21,000)
- 32 Contractual services ... 115,000 ..... (re. \$33,000)
- 33 Equipment ... 50,000 ..... (re. \$50,000)

SENATE AND ASSEMBLY JOINT ENTITIES  
LEGISLATIVE ETHICS COMMISSION

36 By chapter 51, section 1, of the laws of 2008:



## LEGISLATURE AND JUDICIARY 2009-10

1 For services and expenses of the Legislative Ethics Commission.

2 PERSONAL SERVICE

3 Personal service-regular ... 363,090 ..... (re. \$273,278)

4 Temporary service ... 10,000 ..... (re. \$10,000)

5 NONPERSONAL SERVICE

6 Supplies and materials ... 5,667 ..... (re. \$74)

7 Contractual services ... 1,000 ..... (re. \$945)

8 Equipment ... 1,000 ..... (re. \$1,000)

9 By chapter 51, section 1, of the laws of 2007:

10 For services and expenses of the Legislative Ethics Committee.

11 PERSONAL SERVICE

12 Personal service-regular ... 352,000 ..... (re. \$192,283)

13 Temporary service ... 10,000 ..... (re. \$10,000)

14 NONPERSONAL SERVICE

15 Supplies and materials ... 5,667 ..... (re. \$37)

16 Contractual services ... 1,000 ..... (re. \$874)

17 Equipment ... 1,000 ..... (re. \$1,000)

18 By chapter 51, section 1, of the laws of 2006:

19 For services and expenses of the Legislative Ethics Committee ... ..

20 358,900 ..... (re. \$197,177)

21 By chapter 51, section 1, of the laws of 2005:

22 For services and expenses of the Legislative Ethics Committee ... ..

23 358,900 ..... (re. \$156,342)

24 By chapter 51, section 1, of the laws of 2004:

25 For services and expenses of the Legislative Ethics Committee ... ..

26 358,900 ..... (re. \$191,635)

27 By chapter 51, section 1, of the laws of 2003:

28 For services and expenses of the Legislative Ethics Committee ... ..

29 358,900 ..... (re. \$160,441)

30 By chapter 51, section 1, of the laws of 2002:

31 For services and expenses of the Legislative Ethics Committee ... ..

32 370,000 ..... (re. \$171,793)

33 By chapter 51, section 1, of the laws of 2001:

34 For services and expenses of the Legislative Ethics Committee ... ..

35 370,000 ..... (re. \$179,853)

36 By chapter 51, section 1, of the laws of 2000:

37 For services and expenses of the Legislative Ethics Committee ... ..

38 370,000 ..... (re. \$259,141)

LEGISLATURE AND JUDICIARY 2009-10

- 1 By chapter 51, section 1, of the laws of 1999:
- 2 For services and expenses of the Legislative Ethics Committee ... ..
- 3 370,000 ..... (re. \$226,467)
  
- 4 By chapter 51, section 1, of the laws of 1998:
- 5 For services and expenses of the Legislative Ethics Committee ... ..
- 6 370,000 ..... (re. \$257,387)
  
- 7 By chapter 51, section 1, of the laws of 1997:
- 8 For services and expenses of the Legislative Ethics Committee ... ..
- 9 370,000 ..... (re. \$223,096)
  
- 10 By chapter 51, section 1, of the laws of 1996:
- 11 For services and expenses of the Legislative Ethics Committee ... ..
- 12 370,000 ..... (re. \$121,736)
  
- 13 By chapter 51, section 1, of the laws of 1995:
- 14 For services and expenses of the Legislative Ethics Committee ... ..
- 15 370,000 ..... (re. \$126,518)
  
- 16 By chapter 51, section 1, of the laws of 1994:
- 17 For services and expenses of the Legislative Ethics Committee ... ..
- 18 370,000 ..... (re. \$15,853)
  
- 19 By chapter 51, section 1, of the laws of 1993:
- 20 For services and expenses of the Legislative Ethics Committee ... ..
- 21 370,000 ..... (re. \$257,753)
  
- 22 By chapter 51, section 1, of the laws of 1992:
- 23 For services and expenses of the Legislative Ethics Committee ... ..
- 24 370,000 ..... (re. \$339,513)
  
- 25 By chapter 51, section 1, of the laws of 1991:
- 26 For services and expenses of the Legislative Ethics Committee ... ..
- 27 410,000 ..... (re. \$112,640)
  
- 28 By chapter 51, section 1, of the laws of 1990:
- 29 For services and expenses of the Legislative Ethics Committee ... ..
- 30 500,000 ..... (re. \$190,724)
  
- 31 By chapter 51, section 1, of the laws of 1989:
- 32 For services and expenses of the Legislative Ethics Committee ... ..
- 33 1,000,000 ..... (re. \$180,370)

LEGISLATIVE HEALTH SERVICE

- 35 By chapter 51, section 1, of the laws of 2008:
- 36 For services and expenses for the operation of the legislative health
- 37 service.

PERSONAL SERVICE

- 38
- 39 Personal service-regular ... 185,400 ..... (re. \$67,732)



## LEGISLATURE AND JUDICIARY 2009-10

## 1 NONPERSONAL SERVICE

2 Supplies and materials ... 26,000 ..... (re. \$10,283)  
 3 Contractual services ... 1,000 ..... (re. \$910)  
 4 Equipment ... 1,000 ..... (re. \$581)

5 By chapter 51, section 1, of the laws of 2007:  
 6 For services and expenses for the operation of the legislative health  
 7 service.

## 8 PERSONAL SERVICE

9 Personal service-regular ... 180,000 ..... (re. \$1,489)

## 10 NONPERSONAL SERVICE

11 Supplies and materials ... 13,421 ..... (re. \$11,160)  
 12 Contractual services ... 1,000 ..... (re. \$1,000)  
 13 Equipment ... 1,000 ..... (re. \$1,000)

14 By chapter 51, section 1, of the laws of 2006:  
 15 For services and expenses ... 189,729 ..... (re. \$5,903)

16 By chapter 51, section 1, of the laws of 2005:  
 17 For services and expenses ... 184,203 ..... (re. \$612)

18 By chapter 51, section 1, of the laws of 2004:  
 19 For services and expenses ... 178,838 ..... (re. \$5,582)

20 By chapter 51, section 1, of the laws of 2003:  
 21 For services and expenses ... 178,838 ..... (re. \$16,975)

## 22 LEGISLATIVE LIBRARY

23 By chapter 51, section 1, of the laws of 2008:  
 24 For services and expenses and for temporary and special services for the  
 25 operation of the legislative library.

## 26 PERSONAL SERVICE

27 Personal service-regular ... 413,484 ..... (re. \$156,290)  
 28 Temporary service ... 10,000 ..... (re. \$10,000)

## 29 NONPERSONAL SERVICE

30 Supplies and materials ... 250,000 ..... (re. \$97,707)  
 31 Contractual services ... 100,000 ..... (re. \$46,640)  
 32 Equipment ... 32,800 ..... (re. \$32,800)

33 By chapter 51, section 1, of the laws of 2007:  
 34 For services and expenses and for temporary and special services for the  
 35 operation of the legislative library.



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## LEGISLATURE AND JUDICIARY 2009-10

## 1 PERSONAL SERVICE

2 Personal service-regular ... 390,000 ..... (re. \$11,165)

## 3 NONPERSONAL SERVICE

4 Supplies and materials ... 250,000 ..... (re. \$169,672)

5 Contractual services ... 100,000 ..... (re. \$56,669)

6 Equipment ... 32,800 ..... (re. \$32,800)

7 By chapter 51, section 1, of the laws of 2006:

8 For services and expenses and for temporary and special services

9 ... 760,000 ..... (re. \$3,415)

10 By chapter 51, section 1, of the laws of 2005:

11 For services and expenses and for temporary and special services

12 ... 683,276 ..... (re. \$42,660)

13 By chapter 51, section 1, of the laws of 2003:

14 For services and expenses and for temporary and special services

15 ... 663,375 ..... (re. \$1,069)

16 By chapter 51, section 1, of the laws of 2000:

17 For services and expenses and for temporary and special services

18 ... 734,014 ..... (re. \$302,908)

19 By chapter 51, section 1, of the laws of 1999:

20 For services and expenses and for temporary and special services

21 ... 712,635 ..... (re. \$605,956)

22 By chapter 51, section 1, of the laws of 1998:

23 For services and expenses and for temporary and special services

24 ... 691,879 ..... (re. \$374,336)

25 By chapter 51, section 1, of the laws of 1996:

26 For services and expenses and for temporary and special services

27 ... 677,317 ..... (re. \$314,443)

## 28 LEGISLATIVE MESSENGER SERVICE

29 By chapter 51, section 1, of the laws of 2008:

30 For services and expenses for the operation of the legislative messenger  
31 service.

## 32 PERSONAL SERVICE

33 Personal service-regular ... 905,000 ..... (re. \$336,131)

34 Temporary service ... 10,000 ..... (re. \$10,000)

## 35 NONPERSONAL SERVICE

36 Supplies and materials ... 2,000 ..... (re. \$1,692)

37 By chapter 51, section 1, of the laws of 2007:



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## LEGISLATURE AND JUDICIARY 2009-10

1 For services and expenses for the operation of the legislative messenger  
2 service.

## 3 PERSONAL SERVICE

4 Personal service-regular ... 850,000 ..... (re. \$64,837)  
5 Temporary service ... 10,000 ..... (re. \$10,000)

## 6 NONPERSONAL SERVICE

7 Supplies and materials ... 6,106 ..... (re. \$4,709)  
8 Equipment ... 1,000 ..... (re. \$1,000)

9 By chapter 51, section 1, of the laws of 2006:  
10 For services and expenses ... 841,850 ..... (re. \$18,351)

11 By chapter 51, section 1, of the laws of 2005:  
12 For services and expenses ... 817,330 ..... (re. \$22,465)

13 By chapter 51, section 1, of the laws of 2003:  
14 For services and expenses ... 688,524 ..... (re. \$274,909)

## 15 LEGISLATIVE BILL DRAFTING COMMISSION

16 By chapter 51, section 1, of the laws of 2008:  
17 For services and expenses, temporary and special services, and for  
18 expenses of maintenance and operation, including travel outside of  
19 the state.

## 20 PERSONAL SERVICE

21 Personal service-regular ... 10,695,644 ..... (re. \$4,311,095)  
22 Temporary service ... 170,950 ..... (re. \$115,576)

## 23 NONPERSONAL SERVICE

24 Supplies and materials ... 335,375 ..... (re. \$286,504)  
25 Travel ... 51,088 ..... (re. \$46,966)  
26 Contractual services ... 1,727,437 ..... (re. \$964,135)  
27 Equipment ... 160,397 ..... (re. \$102,374)

## 28 LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT

29 General Fund / State Operations  
30 State Purposes Account - 003

31 By chapter 51, section 1, of the laws of 2008:  
32 For services and expenses ... of the task force for senate  
33 purposes.

## 34 PERSONAL SERVICE

35 Personal service-regular ... 350,542 ..... (re. \$137,465)  
36 Temporary service ... 5,000 ..... (re. \$5,000)

LEGISLATURE AND JUDICIARY 2009-10

1 NONPERSONAL SERVICE

2 Travel ... 3,000 ..... (re. \$1,560)

3 Contractual services ... 3,402 ..... (re. \$2,429)

4 For services and expenses ... of the task force for

5 assembly purposes.

6 PERSONAL SERVICE

7 Personal service-regular ... 350,542 ..... (re. \$210,000)

8 Temporary service ... 5,000 ..... (re. \$5,000)

9 NONPERSONAL SERVICE

10 Travel ... 1,000 ..... (re. \$1,000)

11 Contractual services ... 10,402 ..... (re. \$10,402)

12 For services and expenses ... of the task force for

13 joint operations.

14 PERSONAL SERVICE

15 Personal service-regular ... 803,601 ..... (re. \$120,000)

16 Temporary service ... 10,000 ..... (re. \$10,000)

17 NONPERSONAL SERVICE

18 Supplies and materials ... 15,000 ..... (re. \$15,000)

19 Travel ... 5,000 ..... (re. \$5,000)

20 Contractual services ... 110,045 ..... (re. \$110,045)

21 Equipment ... 210,000 ..... (re. \$210,000)

22 By chapter 51, section 1, of the laws of 2007:

23 For services and expenses ... of the task force for senate

24 purposes.

25 PERSONAL SERVICE

26 Personal service-regular ... 340,000 ..... (re. \$8,707)

27 NONPERSONAL SERVICE

28 Contractual services ... 3,402 ..... (re. \$3,235)

29 For services and expenses ... of the task force for

30 assembly purposes.

31 PERSONAL SERVICE

32 Personal service-regular ... 330,000 ..... (re. \$200,856)

33 Temporary service ... 10,000 ..... (re. \$10,000)



LEGISLATURE AND JUDICIARY 2009-10

1 NONPERSONAL SERVICE

2 Travel ... 1,000 ..... (re. \$1,000)  
 3 Contractual services' ... 10,402 ..... (re. \$10,402)  
 4 For services and expenses ... of the task force for  
 5 joint operations.

6 PERSONAL SERVICE

7 Personal service-regular ... 770,000 ..... (re. \$34,020)  
 8 Temporary service ... 10,000 ..... (re. \$10,000)

9 NONPERSONAL SERVICE

10 Supplies and materials ... 15,000 ..... (re. \$14,986)  
 11 Travel ... 5,000 ..... (re. \$5,000)  
 12 Contractual services ... 110,045 ..... (re. \$110,045)  
 13 Equipment ... 210,000 ..... (re. \$210,000)

14 By chapter 51, section 1, of the laws of 2006:  
 15 For services and expenses ... of the task force for assembly  
 16 purposes ... 341,167 ..... (re. \$190,725)  
 17 For services and expenses ... of the task force for joint oper-  
 18 ations ... 1,087,422 ..... (re. \$339,315)

19 By chapter 51, section 1, of the laws of 2005:  
 20 For services and expenses ... of the task force for assembly  
 21 purposes ... 331,230 ..... (re. \$137,539)  
 22 For services and expenses ... of the task force for joint oper-  
 23 ations ... 1,055,750 ..... (re. \$330,793)

24 By chapter 51, section 1, of the laws of 2004:  
 25 For services and expenses ... of the task force for joint oper-  
 26 ations ... 1,025,000 ..... (re. \$275,014)

27 By chapter 51, section 1, of the laws of 2003:  
 28 For services and expenses ... of the task force for joint oper-  
 29 ations ... 1,025,000 ..... (re. \$247,798)

30 By chapter 51, section 1, of the laws of 2002:  
 31 For services and expenses ... of the task force for joint oper-  
 32 ations ... 1,500,000 ..... (re. \$158,707)

33 By chapter 51, section 4, of the laws of 2005, as consolidated and reap-  
 34 propriated:  
 35 For services and expenses ... of the task force for assembly  
 36 purposes ..... (re. \$1,336,732)

37 MISCELLANEOUS

38 SPECIAL REVENUE FUNDS OTHER

39 LEGISLATIVE COMPUTER SERVICES FUND



LEGISLATURE AND JUDICIARY 2009-10

1 By chapter 51, section 1, of the laws of 2008:  
2 For services and expenses of the Legislative Computer Services Fund.

3 NONPERSONAL SERVICE

4 Contractual services ... 1,000,000 ..... (re. \$1,000,000)  
5 Equipment ... 500,000 ..... (re. \$500,000)

6 By chapter 51, section 1, of the laws of 2007:  
7 For services and expenses of the Legislative Computer Services Fund.

8 NONPERSONAL SERVICE

9 Contractual services ... 1,000,000 ..... (re. \$10,000)  
10 Equipment ... 500,000 ..... (re. \$500,000)

11 By chapter 51, section 1, of the laws of 2006:  
12 For services and expenses ... 1,500,000 ..... (re. \$510,000)

13 By chapter 51, section 1, of the laws of 2005:  
14 For services and expenses ... 1,500,000 ..... (re. \$1,200,000)

15 § 5. This act shall take effect immediately and shall be deemed to  
16 have been in full force and effect on and after April 1, 2009.

## LEGISLATURE AND JUDICIARY 2009-10

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# **EXHIBIT B**

**Copy of L. 2009, ch 51**

LAWS OF NEW YORK, 2009

CHAPTER 51

AN ACT making appropriations for the support of government

(LEGISLATURE AND JUDICIARY BUDGET)

Became a law April 7, 2009, with the approval of the Governor.

Passed by a majority vote, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The several amounts named in this section or so much thereof as shall be sufficient to accomplish the purposes designated by the appropriations, are hereby appropriated and authorized to be paid as hereinafter provided, to the respective public officers and for the fiscal year beginning April 1, 2009.

GENERAL FUND / STATE OPERATIONS  
STATE PURPOSES ACCOUNT - 003

THE LEGISLATURE

THE SENATE

For services and expenses of the Senate (including liabilities incurred prior to April 1, 2009), including travel outside the state, in accordance with the following schedule .....	92,831,974
	=====

SCHEDULE

PERSONAL SERVICE

For payment of salaries to Members, 62, pursuant to section 5 of the legislative law .....	4,929,000
For payment of allowances to members designated by the temporary president, pursuant to the schedule of such allowances set forth in section 5-a of the legislative law .....	1,289,500
For personal service of employees and for temporary and expert services of members' offices and of standing committees:	
Personal service-regular .....	34,500,000
For personal service of employees and for temporary and expert services for senate operations:	

EXPLANATION--Matter in italics is new; matter in brackets [-] is old law to be omitted.

2

LEGISLATURE AND JUDICIARY 2009-10

Personal service-regular ..... 25,513,474  
 For personal service of employees and for  
 temporary and expert services for the  
 senate student program office:  
 Personal service-regular ..... 160,000  
 Temporary service ..... 600,000  
 -----  
 Amount available for personal service ..... 66,991,974  
 -----

NONPERSONAL SERVICE

Non-employee services ..... 40,000  
 Supplies and materials ..... 4,300,000  
 Travel ..... 1,600,000  
 Rentals ..... 900,000  
 Equipment maintenance and repairs ..... 3,450,000  
 Office and space leases ..... 3,350,000  
 Utilities ..... 400,000  
 Postage and shipping ..... 5,900,000  
 Printing ..... 200,000  
 Telephone and telegraph ..... 1,500,000  
 Miscellaneous contractual services ..... 1,500,000  
 Equipment ..... 2,700,000  
 -----  
 Amount available for nonpersonal service .. 25,840,000  
 -----

THE ASSEMBLY

For services and expenses (including liabilities incurred  
 prior to April 1, 2009), including travel outside the  
 state, in accordance with the following schedule ..... 103,329,789  
 =====

SCHEDULE

PERSONAL SERVICE

Members, 150, payment of salaries pursuant  
 to section 5 of the legislative law ..... 11,925,000  
 For payment of allowances to members desig-  
 nated by the speaker pursuant to the  
 provisions of section 5-a of the legisla-  
 tive law ..... 1,592,500  
 For personal service of employees and for  
 temporary and expert services of members'  
 offices and of standing committees and  
 subcommittees:  
 Personal service-regular ..... 23,381,090  
 Temporary service ..... 2,288,275  
 For personal service of employees and for  
 temporary and expert services for adminis-  
 trative and program support operations:



3

## LEGISLATURE AND JUDICIARY 2009-10

Personal service-regular .....	39,221,819
Temporary service .....	466,269
For the Assembly Intern and Youth Participation Program for personal service of employees and for temporary and expert services:	
Personal service-regular .....	226,164
Temporary service .....	713,672
Amount available for personal service .....	79,814,789

## NONPERSONAL SERVICE

Non-employee services .....	20,000
Supplies and materials .....	2,100,000
Travel .....	2,750,000
Rentals .....	700,000
Equipment maintenance and repairs .....	800,000
Office and space leases .....	6,450,000
Utilities .....	600,000
Postage and shipping .....	5,250,000
Printing .....	40,000
Telephone and telegraph .....	1,800,000
Miscellaneous contractual services .....	1,650,000
Equipment .....	1,355,000
Amount available for nonpersonal service .....	23,515,000

## ASSEMBLY WAYS AND MEANS COMMITTEE

For services and expenses (including liabilities incurred prior to April 1, 2009), including travel outside the state, in accordance with the following schedule .....

5,889,349

## PERSONAL SERVICE

Personal service-regular .....	5,344,349
Temporary service .....	160,000
Amount available for personal service .....	5,504,349

## NONPERSONAL SERVICE

Supplies and materials .....	190,000
Travel .....	30,000
Contractual services .....	115,000
Equipment .....	50,000
Amount available for nonpersonal service .....	385,000

4

LEGISLATURE AND JUDICIARY 2009-10

SENATE AND ASSEMBLY JOINT ENTITIES  
LEGISLATIVE ETHICS COMMISSION

For services and expenses of the Legislative Ethics Commission pursuant to section 80 of the legislative law in accordance with the following schedule ..... 380,757  
=====

PERSONAL SERVICE

Personal service-regular ..... 363,090  
Temporary service ..... 10,000  
-----  
Amount available for personal service ..... 373,090  
-----

NONPERSONAL SERVICE

Supplies and materials ..... 5,667  
Contractual services ..... 1,000  
Equipment ..... 1,000  
-----  
Amount available for nonpersonal service ..... 7,667  
-----

NATIONAL CONFERENCE OF STATE LEGISLATURES

For a contribution to the National Conference of State Legislatures in accordance with the following schedule ..... 380,867  
=====

NONPERSONAL SERVICE

Supplies and materials ..... 380,867  
-----  
Amount available for nonpersonal service ..... 380,867  
-----

LEGISLATIVE HEALTH SERVICE

For services and expenses for the operation of the legislative health service in accordance with the following schedule ..... 213,400  
=====

PERSONAL SERVICE

Personal service-regular ..... 185,400  
-----  
Amount available for personal service ..... 185,400  
-----

5

LEGISLATURE AND JUDICIARY 2009-10

NONPERSONAL SERVICE

Supplies and materials .....	26,000
Contractual services .....	1,000
Equipment .....	1,000
-----	
Amount available for nonpersonal service .....	28,000
-----	

LEGISLATIVE LIBRARY

For services and expenses and for temporary and special services for the operation of the legislative library in accordance with the following schedule ..... 806,284  
=====

PERSONAL SERVICE

Personal service-regular .....	413,484
Temporary service .....	10,000
-----	
Amount available for personal service .....	423,484
-----	

NONPERSONAL SERVICE

Supplies and materials .....	250,000
Contractual services .....	100,000
Equipment .....	32,800
-----	
Amount available for nonpersonal service .....	382,800
-----	

LEGISLATIVE MESSENGER SERVICE

For services and expenses for the operation of the legislative messenger service in accordance with the following schedule ..... 917,000  
=====

PERSONAL SERVICE

Personal service-regular .....	905,000
Temporary service .....	10,000
-----	
Amount available for personal service .....	915,000
-----	

NONPERSONAL SERVICE

Supplies and materials .....	2,000
-----	
Amount available for nonpersonal service .....	2,000
-----	

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LEGISLATURE AND JUDICIARY 2009-10

LEGISLATIVE BILL DRAFTING COMMISSION

For services and expenses, temporary and special services,  
 and for expenses of maintenance and operation, including  
 travel outside of the state, in accordance with the  
 following schedule ..... 13,140,891  
 =====

PERSONAL SERVICE

Personal service-regular ..... 10,695,644  
 Temporary service ..... 170,950  
 -----  
 Amount available for personal service ..... 10,866,594  
 -----

NONPERSONAL SERVICE

Supplies and materials ..... 335,375  
 Travel ..... 51,088  
 Contractual services ..... 1,727,437  
 Equipment ..... 160,397  
 -----  
 Amount available for nonpersonal service ..... 2,274,297  
 -----

LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT

For services and expenses (including liabilities  
 incurred prior to April 1, 2009) of the task force for  
 senate purposes in accordance with the following sche-  
 dule ..... 361,944  
 -----

PERSONAL SERVICE

Personal service-regular ..... 350,542  
 Temporary service ..... 5,000  
 -----  
 Amount available for personal service ..... 355,542  
 -----

NONPERSONAL SERVICE

Travel ..... 3,000  
 Contractual services ..... 3,402  
 -----  
 Amount available for nonpersonal service ..... 6,402  
 -----

For services and expenses (including liabilities incurred  
 prior to April 1, 2009) of the task force for assembly  
 purposes in accordance with the following schedule ..... 361,944

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## LEGISLATURE AND JUDICIARY 2009-10

## PERSONAL SERVICE

Personal service-regular .....	340,542
Temporary service .....	10,000
-----	
Amount available for personal service .....	350,542
-----	

## NONPERSONAL SERVICE

Travel .....	1,000
Contractual services .....	10,402
-----	
Amount available for nonpersonal service .....	11,402
-----	

For services and expenses (including liabilities incurred prior to April 1, 2009) of the task force for joint operations in accordance with the following schedule ..... 1,153,646

-----

## PERSONAL SERVICE

Personal service-regular .....	803,601
Temporary service .....	10,000
-----	
Amount available for personal service .....	813,601
-----	

## NONPERSONAL SERVICE

Supplies and materials .....	15,000
Travel .....	5,000
Contractual services .....	110,045
Equipment .....	210,000
-----	
Amount available for nonpersonal service .....	340,045
-----	

SPECIAL REVENUE FUNDS -- OTHER  
LEGISLATIVE COMPUTER SERVICES FUND

For services and expenses of the Legislative Computer Services Fund in accordance with the following schedule .... 1,500,000

-----

## NONPERSONAL SERVICE

Contractual services .....	1,000,000
Equipment .....	500,000
-----	

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LEGISLATURE AND JUDICIARY 2009-10

Amount available for nonpersonal service ..... 1,500,000

SENATE RECYCLABLE MATERIALS, INFORMATION SERVICES AND CONFERENCE FUND

For services and expenses of the Senate Recyclable Materials, Information Services and Conference Fund in accordance with the following schedule ..... 50,000

NONPERSONAL SERVICE

Supplies and materials ..... 50,000

Amount available for nonpersonal service ..... 50,000

ASSEMBLY RECYCLABLE MATERIALS, INFORMATION SERVICES AND CONFERENCE FUND

For services and expenses of the Assembly Recyclable Materials, Information Services and Conference Fund in accordance with the following schedule ..... 50,000

NONPERSONAL SERVICE

Supplies and materials ..... 50,000

Amount available for nonpersonal service ..... 50,000

GRANTS AND BEQUESTS FUND

LEGISLATURE

THE SENATE

For services and expenses relative to restoration of the Senate Chamber and other purposes as funded by non-state grants in accordance with the following schedule ..... 250,000

NONPERSONAL SERVICE

Contractual services ..... 250,000

Amount available for nonpersonal service ..... 250,000

THE ASSEMBLY

For services and expenses relative to restoration of the

LEGISLATURE AND JUDICIARY 2009-10

Assembly Chamber and other purposes as funded by non-  
state grants in accordance with the following schedule ..... 250,000

NONPERSONAL SERVICE

Contractual services ..... 250,000

Amount available for nonpersonal service ..... 250,000

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LEGISLATURE AND JUDICIARY 2009-10

THE JUDICIARY

§ 2. (a) The several amounts named in this section, or so much thereof as shall be sufficient to accomplish the purposes designated by the appropriations, are hereby appropriated and authorized to be paid as hereinafter provided, to the respective public officers and for the several purposes specified, which amounts shall be available for the fiscal year beginning April 1, 2009.

For services and expenses including travel outside the state and the payment of liabilities incurred prior to April 1, 2009 in accordance with the following schedule.

STATE OPERATIONS AND AID TO LOCALITIES , 2009-10

	APPROPRIATIONS	REAPPROPRIATIONS
General Fund - State and Local .....	2,269,057,771	61,800,000
Special Revenue Funds - Federal .....	9,100,000	20,050,000
Special Revenue Funds - Other .....	247,599,690	22,000,000
	-----	-----
All Funds .....	2,525,757,461	103,850,000
	=====	=====

JUDICIARY BUDGET SUMMARY OF NEW APPROPRIATIONS

Fund Type	State Operations	Aid to Localities	Capital Projects	Total
GF-St/Local	2,264,339,071	4,718,700	0	2,269,057,771
SR-Federal	9,100,000	0	0	9,100,000
SR-Other	124,046,406	123,553,284	0	247,599,690
	-----	-----	-----	-----
All Funds	2,397,485,477	128,271,984	0	2,525,757,461
	=====	=====	=====	=====

SCHEDULE

COURTS OF ORIGINAL JURISDICTION ..... 1,594,151,980  
-----

General Fund / State Operations  
State Purposes Account - 003

PERSONAL SERVICE

Personal service - regular ..... 1,267,117,501  
 Personal service - temporary ..... 17,039,929  
 Personal service - holiday / overtime  
 compensation ..... 40,025,196  
 -----  
 Amount available for personal service .... 1,324,182,626  
 -----



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## LEGISLATURE AND JUDICIARY 2009-10

## NONPERSONAL SERVICE

Supplies and Materials .....	28,780,031
Travel .....	6,351,924
Contractual Services .....	166,586,122
Equipment .....	8,997,954
	-----
Amount available for nonpersonal service ...	210,716,031
	-----

## MAINTENANCE UNDISTRIBUTED

For services and expenses including travel outside the state and the payment of liabilities incurred prior to April 1, 2009 .....	5,781,300
	-----
Program account subtotal .....	1,540,679,957
	-----

Special Revenue Funds - Other / State Operations  
New York City County Clerks'  
Operations Offset Fund - 368

For services and expenses as provided by  
section 94-a of the state finance law.

## PERSONAL SERVICE

Personal service - regular .....	18,982,725
Personal service - temporary .....	1,553,959
Personal service - holiday / overtime compensation .....	37,300
	-----
Amount available for personal service .....	20,573,984
	-----

## NONPERSONAL SERVICE

Supplies and Materials .....	218,009
Travel .....	7,500
Contractual Services .....	3,294,864
	-----
Amount available for nonpersonal service .....	3,520,373
	-----
Program account subtotal .....	24,094,357
	-----

Special Revenue Funds - Other / State Operations  
Judiciary Data Processing Offset Fund - 369

For services and expenses as provided by  
section 94-b of the state finance law.

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LEGISLATURE AND JUDICIARY 2009-10

PERSONAL SERVICE

Personal service - regular ..... 16,922,881  
 Personal service - temporary ..... 1,026,549  
 Personal service - holiday / overtime  
 compensation ..... 115,565  
 -----  
 Program fund subtotal ..... 18,064,995  
 -----

Special Revenue Funds - Other / State Operations  
 Court Facilities Incentive Aid Fund - 340

PERSONAL SERVICE

Personal service - regular ..... 709,732  
 Personal service - holiday / overtime  
 compensation ..... 2,939  
 -----  
 Program fund subtotal ..... 712,671  
 -----

Special Revenue Funds - Federal / State Operations  
 Federal Operating Grants Fund - 290  
 Federal Miscellaneous Grants (Operating) Account

MAINTENANCE UNDISTRIBUTED

For services and expenses including travel  
 outside the state and the payment of  
 liabilities incurred prior to April 1,  
 2009 ..... 6,500,000  
 -----  
 Program account subtotal ..... 6,500,000  
 -----

Special Revenue Funds - Federal / State Operations  
 Federal Grants - Health and Human Services - 265

MAINTENANCE UNDISTRIBUTED

For services and expenses including travel  
 outside the state and the payment of  
 liabilities incurred prior to April 1,  
 2009 ..... 2,600,000  
 -----  
 Program account subtotal ..... 2,600,000  
 -----

Special Revenue Funds - Other / State Operations  
 Miscellaneous Special Revenue Funds - 339

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LEGISLATURE AND JUDICIARY 2009-10

MAINTENANCE UNDISTRIBUTED

For services and expenses including travel  
 outside the state and the payment of  
 liabilities incurred prior to April 1,  
 2009 ..... 1,500,000  
 -----  
 Program fund subtotal ..... 1,500,000  
 -----

COURT OF APPEALS AND LAW REPORTING BUREAU ..... 16,308,446  
-----

General Fund / State Operations  
State Purposes Account - 003

PERSONAL SERVICE

Personal service - regular ..... 13,040,666  
 Personal service - temporary ..... 155,382  
 Personal service - holiday / overtime  
 compensation ..... 80,960  
 -----  
 Amount available for personal service ..... 13,277,008  
 -----

NONPERSONAL SERVICE

Supplies and Materials ..... 995,200  
 Travel ..... 438,029  
 Contractual Services ..... 1,548,209  
 Equipment ..... 50,000  
 -----  
 Amount available for nonpersonal service ..... 3,031,438  
 -----  
 Program account subtotal ..... 16,308,446  
 -----

APPELLATE COURT OPERATIONS ..... 76,936,614  
-----

General Fund / State Operations  
State Purposes Account - 003

PERSONAL SERVICE

Personal service - regular ..... 69,437,837  
 Personal service - temporary ..... 1,208,464  
 Personal service - holiday / overtime  
 compensation ..... 247,525  
 -----  
 Amount available for personal service ..... 70,893,826  
 -----

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LEGISLATURE AND JUDICIARY 2009-10

NONPERSONAL SERVICE

Supplies and Materials .....	2,466,604
Travel .....	638,675
Contractual Services .....	2,587,509
Equipment .....	350,000

Amount available for nonpersonal service ..... 6,042,788

Program account subtotal ..... 76,936,614

APPELLATE AUXILIARY OPERATIONS ..... 167,021,028

General Fund / State Operations  
State Purposes Account - 003

PERSONAL SERVICE

Personal service - regular .....	24,972,786
Personal service - temporary .....	1,879,743
Personal service - holiday / overtime compensation .....	1,000

Amount available for personal service ..... 26,853,529

NONPERSONAL SERVICE

Supplies and Materials .....	377,830
Travel .....	506,704
Contractual Services .....	91,855,744

Amount available for nonpersonal service ..... 92,740,278

Program account subtotal ..... 119,593,807

Special Revenue Funds - State / State Operations  
Attorney Licensing Fund

For services and expenses funded from fees  
required pursuant to section 468-a of the  
judiciary law

PERSONAL SERVICE

Personal service - regular .....	15,947,399
Personal service - temporary .....	596,748
Personal service - holiday / overtime compensation .....	1,300

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## LEGISLATURE AND JUDICIARY 2009-10

Amount available for personal service ..... 16,545,447

## NONPERSONAL SERVICE

Supplies and Materials ..... 359,211

Travel ..... 157,794

Contractual Services ..... 5,364,769

Amount available for nonpersonal service ..... 5,881,774

Program fund subtotal ..... 22,427,221

Special Revenue Funds - State / State Operations  
Indigent Legal Services Fund - 390For services and expenses as provided by  
section 98-b of the state finance law.

## NONPERSONAL SERVICE

Contractual Services ..... 25,000,000

Program fund subtotal ..... 25,000,000

ADMINISTRATION AND GENERAL SUPPORT ..... 27,637,037

General Fund / State Operations  
State Purposes Account - 003

## PERSONAL SERVICE

Personal service - regular ..... 17,063,117

Personal service - temporary ..... 3,895,044

Personal service - holiday / overtime  
compensation ..... 356,850

Amount available for personal service ..... 21,315,011

## NONPERSONAL SERVICE

Supplies and Materials ..... 547,412

Travel ..... 556,895

Contractual Services ..... 2,251,380

Amount available for nonpersonal service ..... 3,355,687

Program account subtotal ..... 24,670,698

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LEGISLATURE AND JUDICIARY 2009-10

Special Revenue Funds - Other / State Operations  
Court Facilities Incentive Aid Fund - 340

PERSONAL SERVICE

Personal service - regular .....	571,031
Personal service - temporary .....	455,524
	-----
Amount available for personal service .....	1,026,555
	-----

NONPERSONAL SERVICE

Supplies and Materials .....	1,500
Travel .....	10,000
Contractual Services .....	601,250
	-----
Amount available for nonpersonal service .....	612,750
	-----
Program account subtotal .....	1,639,305
	-----

Special Revenue Funds - Other / State Operations  
Attorney Licensing Fund

For services and expenses funded from fees  
required pursuant to section 468-a of the  
judiciary law.

PERSONAL SERVICE

Personal service - regular .....	507,978
Personal service - temporary .....	206,925
Personal service - holiday / overtime compensation .....	28,000
	-----
Amount available for personal service .....	742,903
	-----

NONPERSONAL SERVICE

Supplies and Materials .....	24,087
Travel .....	3,240
Contractual Services .....	556,804
	-----
Amount available for nonpersonal service .....	584,131
	-----
Program account subtotal .....	1,327,034
	-----

JUDICIARY-WIDE MAINTENANCE UNDISTRIBUTED ..... 8,677,744  
-----

General Fund / State Operations

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LEGISLATURE AND JUDICIARY 2009-10

State Purposes Account - 003

PERSONAL SERVICE

Personal service - regular .....	4,901,472
Personal service - temporary .....	471,046
	-----
Amount available for personal service .....	5,372,518
	-----

NONPERSONAL SERVICE

Supplies and Materials .....	7,000
Travel .....	15,000
Contractual Services .....	1,422,446
	-----
Amount available for nonpersonal service .....	1,444,446
	-----
Program account subtotal .....	6,816,964
	-----

Special Revenue Funds - Other / State Operations  
Attorney Licensing Fund

For services and expenses funded from fees required pursuant to section 468-a of the judiciary law.

PERSONAL SERVICE

Personal service - regular .....	545,584
Personal service - temporary .....	826,037
	-----
Amount available for personal service .....	1,371,621
	-----

NONPERSONAL SERVICE

Supplies and Materials .....	16,403
Travel .....	49,250
Contractual Services .....	423,506
	-----
Amount available for nonpersonal service .....	489,159
	-----
Program account subtotal .....	1,860,780
	-----

GENERAL STATE CHARGES

EMPLOYEE FRINGE BENEFITS .....	493,851,051
	-----

General Fund / State Operations  
State Purposes Account - 003

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LEGISLATURE AND JUDICIARY 2009-10

NONPERSONAL SERVICE

For Fringe Benefits .....	479,332,585
	-----
Program account subtotal .....	479,332,585
	-----

Special Revenue Funds - Other / State Operations  
Attorney Licensing Fund

NONPERSONAL SERVICE

For Fringe Benefits .....	4,525,020
	-----
Program fund subtotal .....	4,525,020
	-----

Special Revenue Funds - Other / State Operations  
Court Facilities Incentive Aid Fund - 340

NONPERSONAL SERVICE

For Fringe Benefits .....	465,192
	-----
Program fund subtotal .....	465,192
	-----

Special Revenue Funds - Other / State Operations  
Lawyers' Fund for Client Protection of the State of New York - 306

NONPERSONAL SERVICE

For Fringe Benefits .....	98,000
	-----
Program fund subtotal .....	98,000
	-----

Special Revenue Funds - Other / State Operations  
New York City County Clerks'  
Operations Offset Fund - 368

NONPERSONAL SERVICE

For Fringe Benefits .....	5,539,579
	-----
Program fund subtotal .....	5,539,579
	-----

Special Revenue Funds - Other / State Operations  
Judiciary Data Processing Offset Fund - 369



LEGISLATURE AND JUDICIARY 2009-10

NONPERSONAL SERVICE

For Fringe Benefits .....	3,890,675
Program fund subtotal .....	3,890,675

CLIENT PROTECTION

LAWYERS' CLIENT PROTECTION .....	12,901,577
----------------------------------	------------

Special Revenue Funds - Other/State Operations  
 Lawyers' Fund for Client Protection of the State of New York - 306

For expenses associated with the operation of the Lawyers' Fund for Client Protection of the State of New York; provided that, notwithstanding any other provision of law to the contrary, and in accordance with section 4 of the state finance law, the state comptroller is hereby authorized and directed to transfer, upon the request of the chief administrator of the courts, up to \$3,750,000 from the Special Revenue Funds - Other/State Operations Attorney Licensing Fund to the Lawyers' Fund for Client Protection of the State of New York on or before March 31, 2010.

PERSONAL SERVICE

Personal service - regular .....	691,777
Personal service - temporary .....	10,000
Amount available for personal service .....	701,777

NONPERSONAL SERVICE

Supplies and Materials .....	14,800
Travel .....	25,000
Contractual Services .....	12,155,000
Equipment .....	5,000
Amount available for nonpersonal service .....	12,199,800
Program fund subtotal .....	12,901,577

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## LEGISLATURE AND JUDICIARY 2009-10

## AID TO LOCALITIES

General Fund .....	4,718,700
Special Revenue Funds - Other .....	123,553,284
	-----
All Funds .....	128,271,984
	=====

LOCAL AID - JUSTICE COURTS .....	4,718,700
	-----

General Fund / State Operations  
Local Assistance Account - 001

## MAINTENANCE UNDISTRIBUTED

For services and expenses including travel  
outside the state and the payment of  
liabilities incurred prior to April 1,  
2009 .....

	4,718,700
	-----

Program account subtotal .....	4,718,700
	-----

LOCAL AID - COURT FACILITIES INCENTIVE AID .....	123,553,284
	-----

Special Revenue Funds - Other / Aid to Localities  
Court Facilities Incentive Aid Fund - 340

For expenses necessary to implement the provisions of law relating to the furnishing of court facilities and the provisions of section 219-a of the judiciary law; provided that, notwithstanding any other provision of law to the contrary, and in accordance with section 4 of the state finance law, where moneys in the court facilities incentive aid fund, including such moneys as may be transferred thereto pursuant to subdivision 6 of section 94 of the state finance law, are insufficient to meet vouchers presented for payment charged to this appropriation or for transfers made pursuant to paragraph (b) of subdivision 2 of such section, the state comptroller is hereby authorized and directed to transfer, upon the request of the chief administrator of the courts, sufficient moneys to meet such vouchers or to permit such transfers, not exceeding \$50,000,000 from the General Fund to the Court Facilities Incentive Aid Fund on or before March 31, 2010.

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LEGISLATURE AND JUDICIARY 2009-10

NONPERSONAL SERVICE

Grants .....	123,553,284
	-----
Program fund subtotal .....	123,553,284
	-----

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## LEGISLATURE AND JUDICIARY 2009-10

## REAPPROPRIATIONS

§ 3. The several amounts named in this section, or so much thereof as shall be sufficient to accomplish the purposes designated, being the unexpended balances of a prior year's appropriation, are hereby reappropriated from the same funds and made available for the same purposes as the prior year's appropriation, unless amended herein, for the state fiscal year beginning April 1, 2009.

THE JUDICIARY  
STATE OPERATIONS

## SCHEDULE

## COURTS OF ORIGINAL JURISDICTION

Special Revenue Funds - Federal / State Operations  
Federal Operating Grants Fund - 290  
Federal Miscellaneous Grants (Operating) Account

## MAINTENANCE UNDISTRIBUTED

By chapter 51, section 2, of the laws of 2008:

For services and expenses including travel outside the state and the payment of liabilities incurred prior to April 1, 2008 .....  
8,000,000 ..... (re. \$8,000,000)

By chapter 51, section 2, of the laws of 2007, as reappropriated by chapter 51, section 3, of the laws of 2008:

For services and expenses of drug court operations .....  
3,000,000 ..... (re. \$2,000,000)  
Maintenance Undistributed ... 4,800,000 ..... (re. \$4,000,000)

By chapter 51, section 2, of the laws of 2006, as reappropriated by chapter 51, section 3, of the laws of 2008:

For services and expenses of drug court operations .....  
3,000,000 ..... (re. \$600,000)  
Maintenance Undistributed ... 3,500,000 ..... (re. \$1,800,000)

By chapter 51, section 2, of the laws of 2005, as reappropriated by chapter 51, section 3, of the laws of 2008:

For services and expenses of drug court operations .....  
4,000,000 ..... (re. \$700,000)  
Maintenance Undistributed ... 3,500,000 ..... (re. \$200,000)

By chapter 51, section 2, of the laws of 2004, as reappropriated by chapter 51, section 3, of the laws of 2008:

For services and expenses of drug court operations .....  
6,000,000 ..... (re. \$350,000)

By chapter 51, section 2, of the laws of 2003, as reappropriated by chapter 51, section 3, of the laws of 2008:

For services and expenses of drug court operations .....  
4,000,000 ..... (re. \$400,000)

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## LEGISLATURE AND JUDICIARY 2009-10

Special Revenue Funds - Federal / State Operations  
Federal Health and Human Services - 265

## MAINTENANCE UNDISTRIBUTED

By chapter 51, section 2, of the laws of 2008:

For services and expenses including travel outside the state and the  
payment of liabilities incurred prior to April 1, 2008 .....  
1,100,000 ..... (re. \$1,100,000)

By chapter 51, section 2, of the laws of 2007, as reappropriated by  
chapter 51, section 3, of the laws of 2008:

For services and expenses of drug court operations .....  
500,000 ..... (re. \$500,000)  
Maintenance Undistributed ... 500,000 ..... (re. \$400,000)

Special Revenue Funds - Other / State Operations  
Miscellaneous Special Revenue Fund - 339

## MAINTENANCE UNDISTRIBUTED

By chapter 51, section 2, of the laws of 2008:

For services and expenses including travel outside the state and the  
payment of liabilities incurred prior to April 1, 2008 .....  
1,500,000 ..... (re. \$1,500,000)

By chapter 51, section 2, of the laws of 2007, as reappropriated by  
chapter 51, section 3, of the laws of 2008:

Maintenance Undistributed ... 1,250,000 ..... (re. \$500,000)

## APPELLATE AUXILIARY OPERATIONS

General Fund / State Operations  
State Purposes Account - 003

By chapter 51, section 2, of the laws of 2008:

## NONPERSONAL SERVICE

Contractual services ... 87,326,647 ..... (re. \$2,000,000)

## JUDICIARY-WIDE MAINTENANCE UNDISTRIBUTED

General Fund / State Operations  
State Purposes Account - 003

The appropriation made by chapter 51, section 2, of the laws of 2008, is  
hereby amended and reappropriated to read:

For expenses necessary to fund adjustments in the compensation of  
state-paid judges and justices of the unified court system and of  
housing judges of the New York city civil court, [~~pursuant to a  
subsequent chapter of law specifying such salary levels~~] and for  
such other services and expenses specified in section two of this  
act.

LEGISLATURE AND JUDICIARY 2009-10

PERSONAL SERVICE

Personal service - regular ... 51,006,759 ..... (re. \$48,000,000)

COURT FACILITIES INCENTIVE AID

Special Revenue Funds - Other / Aid to Localities  
Court Facilities Incentive Aid Fund - 340

By chapter 51, section 2, of the laws of 2008:

For expenses necessary to implement the provisions of law relating to the furnishing of court facilities and the provisions of section 219-a of the judiciary law; provided that, notwithstanding any other provision of law to the contrary, and in accordance with section 4 of the state finance law, where moneys in the court facilities incentive aid fund, including such moneys as may be transferred thereto pursuant to subdivision 6 of section 94 of the state finance law, are insufficient to meet vouchers presented for payment charged to this appropriation or for transfers made pursuant to paragraph (b) of subdivision 2 of such section, the state comptroller is hereby authorized and directed to transfer, upon the request of the chief administrator of the courts, sufficient moneys to meet such vouchers or to permit such transfers, not exceeding \$50,000,000 from the General Fund to the Court Facilities Incentive Aid Fund on or before March 31, 2009.

NONPERSONAL SERVICE

Grants ... 123,553,284 ..... (re. \$20,000,000)

CAPITAL PROJECTS

COURTHOUSE IMPROVEMENTS (CCP)

Preservation of Facilities Purpose

By chapter 51, section 2, of the laws of 2007, as reappropriated by chapter 51, section 3, of the laws of 2008:

For expenses associated with improvements in the Court of Appeals Centennial Hall Annex (52JT0707) ... 20,000,000 .. (re. \$20,000,000)  
For expenses associated with the acquisition of and improvements to a training academy in Kings County for the training of court security personnel (52JT0707) ... 33,700,000 ..... (re. \$33,700,000)

The appropriation made by chapter 51, section 2, of the laws of 2007, as reappropriated by chapter 51, section 3, of the laws of 2008, is hereby amended and reappropriated to read:

For expenses associated with the acquisition of and improvements to a training academy in ~~[Saratoga County having multiple purposes including]~~ Kings County for the training of court security personnel and for improvements in the Court of Appeals Centennial Hall Annex and the Justice Building quarters of the Appellate Division, Third Judicial Department (52JT0707) ... 24,200,000 .... (re. \$14,200,000)

LEGISLATURE AND JUDICIARY 2009-10

General Fund / State Operations  
State Purposes Account - 003

By chapter 276, section 10, of the laws of 2008:

The sum of one hundred sixty-three million dollars (\$163,000,000), or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury in the general fund to the credit of the state purposes account, not otherwise appropriated, and made immediately available to the administrative office of the courts for payment pursuant to the provisions of this act; provided, however, where the provisions of this act require expenditures that must be paid from appropriations from funds of the state other than the general fund or that, by established administrative practice, are paid from such funds, the chief administrator of the courts shall so certify to the comptroller, and thereupon the appropriation provided in this section shall be available for such expenditures. ....  
\$163,000,000 ..... (re. \$11,800,000)

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## LEGISLATURE AND JUDICIARY 2009-10

§ 4. The several amounts named herein, or so much thereof as shall be sufficient to accomplish the purpose designated, being the unexpended balances of prior year's appropriations, are hereby reappropriated from the same funds and made available for the same purposes as the prior year's appropriations, unless amended herein, for the state fiscal year beginning April 1, 2009.

For the purpose of complying with the state finance law, the chapter, section, and year of the last act reappropriating a former original appropriation or any part thereof was, unless otherwise indicated, chapter 51, section 4, of the laws of 2008. Where the full text of law being continued is not shown, leader dots ... are used. However, unless a change is clearly indicated by the use of brackets [-] for deletions and italics for additions, the purposes, amounts, funding source and all other aspects pertinent to each item of appropriation shall be as last appropriated.

## THE LEGISLATURE

GENERAL FUND / STATE OPERATIONS  
STATE PURPOSES ACCOUNT - 003

## THE SENATE

## SCHEDULE

## PERSONAL SERVICE

By chapter 51, section 1, of the laws of 2008:

For payment of salaries to Members, 62, pursuant to section 5 of the legislative law ...	4,929,000	(re. \$257,354)
For payment of allowances to members designated by the temporary president, pursuant to the schedule of such allowances set forth in section 5-a of the legislative law ...	1,289,500	(re. \$1,043,625)
For personal service of employees and for temporary and expert services of majority leader and minority leader operations:		
Personal service-regular ...	13,932,104	(re. \$1,266,854)
Temporary service ...	463,500	(re. \$463,500)
For personal service of employees and for temporary and expert services of members' offices and of standing committees:		
Personal service-regular ...	30,490,686	(re. \$2,387,596)
Temporary service ...	927,000	(re. \$927,000)
For personal service of employees and for temporary and expert services for administrative support operations:		
Personal service-regular ...	17,330,265	(re. \$1,229,752)
Temporary service ...	103,000	(re. \$103,000)
For personal service of employees and for temporary and expert services for the senate student program office:		
Personal service-regular ...	184,500	(re. \$84,809)
Temporary service ...	482,047	(re. \$16,944)
For personal service of employees and for temporary and expert services for the senate select committee on the disabled:		
Personal service-regular ...	109,117	(re. \$23,858)



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## LEGISLATURE AND JUDICIARY 2009-10

## NONPERSONAL SERVICE

By chapter 51, section 1, of the laws of 2008:

Non-employee services ... 40,000	(re. \$16,320)
Supplies and materials ... 4,300,000	(re. \$940,561)
Travel ... 1,400,000	(re. \$312,914)
Rentals ... 1,200,000	(re. \$587,336)
Equipment maintenance and repairs ... 3,450,000	(re. \$1,846,987)
Office and space leases ... 3,350,000	(re. \$2,293,336)
Utilities ... 400,000	(re. \$214,118)
Printing ... 100,000	(re. \$18,334)
Telephone and telegraph ... 1,500,000	(re. \$364,890)
Miscellaneous contractual services ... 1,500,000	(re. \$515,750)
Equipment ... 1,980,000	(re. \$28,670)

By chapter 51, section 1, of the laws of 2007:

Non-employee services ... 300,000	(re. \$280,699)
Supplies and materials ... 3,000,000	(re. \$1,505,406)
Travel ... 1,500,000	(re. \$1,013,220)
Rentals ... 1,400,000	(re. \$923,053)
Equipment maintenance and repairs ... 1,400,000	(re. \$617,433)
Office and space leases ... 3,700,000	(re. \$1,497,829)
Utilities ... 1,300,000	(re. \$932,811)
Printing ... 200,000	(re. \$28,523)
Telephone and telegraph ... 2,400,000	(re. \$1,971,164)
Equipment ... 3,000,000	(re. \$1,290,601)

## THE ASSEMBLY

## SCHEDULE

## PERSONAL SERVICE

By chapter 51, section 1, of the laws of 2008:

For personal service of employees and for temporary and expert services of members' offices and of standing committees and subcommittees:

Personal service-regular ... 24,104,551	(re. \$50,000)
Temporary service ... 2,359,046	(re. \$25,000)
For personal service of employees and for temporary and expert services for administrative and program support operations:	
Personal service-regular ... 40,434,865	(re. \$3,250,000)
Temporary service ... 480,690	(re. \$50,000)
For the Assembly Intern and Youth Participation Program for personal service of employees and for temporary and expert services:	
Temporary service ... 735,745	(re. \$74,000)

By chapter 51, section 1, of the laws of 2007:

For personal service of employees and for temporary and expert services of members' offices and of standing committees and subcommittees:

Personal service-regular ... 23,261,000	(re. \$23,428)
Temporary service ... 2,276,500	(re. \$42,820)

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## LEGISLATURE AND JUDICIARY 2009-10

For personal service of employees and for temporary and expert services for administrative and program support operations:

Personal service-regular ... 39,020,000 ..... (re. \$64,134)  
 Temporary service ... 463,870 ..... (re. \$21,469)

By chapter 51, section 1, of the laws of 2006:

For personal service of employees and for temporary and expert services for administrative and program support operations ...  
 32,900,621 ..... (re. \$76,539)

By chapter 51, section 1, of the laws of 2005:

For personal service of employees and for temporary and expert services of members' offices and of standing committees and subcommittees ... 28,100,316 ..... (re. \$64,098)  
 For personal service of employees and for temporary and expert services for administrative and program support operations .....  
 31,942,350 ..... (re. \$78,265)

By chapter 51, section 1, of the laws of 2001:

For personal service of employees and for temporary and expert services of members' offices and of standing committees and subcommittees ... 27,474,381 ..... (re. \$549,894)

By chapter 51, section 1, of the laws of 1992:

Members, 150, payment of salaries pursuant to section 5 of the legislative law ... 8,625,000 ..... (re. \$24,327)

## NONPERSONAL SERVICE

By chapter 51, section 1, of the laws of 2008:

Non-employee services ... 20,000 ..... (re. \$12,000)  
 Supplies and materials ... 2,100,000 ..... (re. \$200,000)  
 Travel ... 2,750,000 ..... (re. \$350,000)  
 Rentals ... 700,000 ..... (re. \$105,000)  
 Equipment maintenance and repairs ... 800,000 ..... (re. \$200,000)  
 Office and space leases ... 6,450,000 ..... (re. \$600,000)  
 Utilities ... 600,000 ..... (re. \$40,000)  
 Postage and shipping ... 5,250,000 ..... (re. \$750,000)  
 Printing ... 40,000 ..... (re. \$14,000)  
 Telephone and telegraph ... 1,800,000 ..... (re. \$600,000)  
 Miscellaneous contractual services ... 1,650,000 ..... (re. \$290,000)  
 Equipment ... 2,500,000 ..... (re. \$900,000)

By chapter 51, section 1, of the laws of 2007:

Non-employee services ... 20,000 ..... (re. \$11,257)  
 Supplies and materials ... 2,100,000 ..... (re. \$283,000)  
 Travel ... 2,750,000 ..... (re. \$371,672)  
 Rentals ... 700,000 ..... (re. \$27,382)  
 Equipment maintenance and repairs ... 800,000 ..... (re. \$241,471)  
 Office and space leases ... 6,200,000 ..... (re. \$770,000)  
 Utilities ... 600,000 ..... (re. \$814)  
 Postage and shipping ... 4,900,000 ..... (re. \$447,454)  
 Printing ... 40,000 ..... (re. \$7,398)  
 Telephone and telegraph ... 1,800,000 ..... (re. \$289,797)

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## LEGISLATURE AND JUDICIARY 2009-10

Miscellaneous contractual services ... 1,600,000 ..... (re. \$161,886)  
 Equipment ... 2,439,000 ..... (re. \$1,879,876)

By chapter 51, section 1, of the laws of 2006:

For services and expenses of maintenance and operations ... .....  
 22,550,000 ..... (re. \$1,275,000)

By chapter 51, section 4, of the laws of 2003, as consolidated and reap-  
 propriated:

For services and expenses of the assembly (including liabilities  
 incurred prior to April 1, 2003) ..... (re. \$3,722,000)

## SENATE FINANCE COMMITTEE

By chapter 51, section 1, of the laws of 2006:

For personal service, temporary and special services ... .....  
 5,551,277 ..... (re. \$5,551,277)

By chapter 51, section 1, of the laws of 2005:

For personal service, temporary and special services ... .....  
 5,389,589 ..... (re. \$5,389,589)

## ASSEMBLY WAYS AND MEANS COMMITTEE

By chapter 51, section 1, of the laws of 2008:

## PERSONAL SERVICE

Personal service-regular ... 5,344,349 ..... (re. \$10,000)

## NONPERSONAL SERVICE

Supplies and materials ... 190,000 ..... (re. \$120,000)  
 Travel ... 30,000 ..... (re. \$30,000)  
 Contractual services ... 115,000 ..... (re. \$95,000)  
 Equipment ... 50,000 ..... (re. \$50,000)

By chapter 51, section 1, of the laws of 2007:

## NONPERSONAL SERVICE

Supplies and materials ... 190,000 ..... (re. \$46,000)  
 Travel ... 30,000 ..... (re. \$13,683)  
 Contractual services ... 115,000 ..... (re. \$13,750)  
 Equipment ... 50,000 ..... (re. \$50,000)

## SENATE AND ASSEMBLY JOINT ENTITIES

## LEGISLATIVE ETHICS COMMISSION

By chapter 51, section 1, of the laws of 2008:

For services and expenses of the Legislative Ethics Commission.

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## LEGISLATURE AND JUDICIARY 2009-10

## PERSONAL SERVICE

Personal service-regular ... 363,090 ..... (re. \$220,047)  
 Temporary service ... 10,000 ..... (re. \$10,000)

## NONPERSONAL SERVICE

Supplies and materials ... 5,667 ..... (re. \$178)  
 Contractual services ... 1,000 ..... (re. \$229)  
 Equipment ... 1,000 ..... (re. \$903)

By chapter 51, section 1, of the laws of 2007:

For services and expenses of the Legislative Ethics Committee.

## PERSONAL SERVICE

Personal service-regular ... 352,000 ..... (re. \$192,283)  
 Temporary service ... 10,000 ..... (re. \$10,000)

By chapter 51, section 1, of the laws of 2006:

For services and expenses of the Legislative Ethics Committee ... ..  
 358,900 ..... (re. \$195,350)

By chapter 51, section 1, of the laws of 2005:

For services and expenses of the Legislative Ethics Committee ... ..  
 358,900 ..... (re. \$155,252)

By chapter 51, section 1, of the laws of 2004:

For services and expenses of the Legislative Ethics Committee ... ..  
 358,900 ..... (re. \$191,635)

By chapter 51, section 1, of the laws of 2003:

For services and expenses of the Legislative Ethics Committee ... ..  
 358,900 ..... (re. \$160,441)

By chapter 51, section 1, of the laws of 2002:

For services and expenses of the Legislative Ethics Committee ... ..  
 370,000 ..... (re. \$171,793)

By chapter 51, section 1, of the laws of 2001:

For services and expenses of the Legislative Ethics Committee ... ..  
 370,000 ..... (re. \$179,853)

By chapter 51, section 1, of the laws of 2000:

For services and expenses of the Legislative Ethics Committee ... ..  
 370,000 ..... (re. \$259,141)

By chapter 51, section 1, of the laws of 1999:

For services and expenses of the Legislative Ethics Committee ... ..  
 370,000 ..... (re. \$226,467)

By chapter 51, section 1, of the laws of 1998:

For services and expenses of the Legislative Ethics Committee ... ..  
 370,000 ..... (re. \$257,387)

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## LEGISLATURE AND JUDICIARY 2009-10

By chapter 51, section 1, of the laws of 1997:  
 For services and expenses of the Legislative Ethics Committee ... ..  
 370,000 ..... (re. \$223,096)

By chapter 51, section 1, of the laws of 1996:  
 For services and expenses of the Legislative Ethics Committee ... ..  
 370,000 ..... (re. \$121,736)

By chapter 51, section 1, of the laws of 1995:  
 For services and expenses of the Legislative Ethics Committee ... ..  
 370,000 ..... (re. \$126,518)

By chapter 51, section 1, of the laws of 1994:  
 For services and expenses of the Legislative Ethics Committee ... ..  
 370,000 ..... (re. \$15,853)

By chapter 51, section 1, of the laws of 1993:  
 For services and expenses of the Legislative Ethics Committee ... ..  
 370,000 ..... (re. \$257,753)

By chapter 51, section 1, of the laws of 1992:  
 For services and expenses of the Legislative Ethics Committee ... ..  
 370,000 ..... (re. \$339,513)

By chapter 51, section 1, of the laws of 1991:  
 For services and expenses of the Legislative Ethics Committee ... ..  
 410,000 ..... (re. \$112,640)

By chapter 51, section 1, of the laws of 1990:  
 For services and expenses of the Legislative Ethics Committee ... ..  
 500,000 ..... (re. \$190,724)

By chapter 51, section 1, of the laws of 1989:  
 For services and expenses of the Legislative Ethics Committee ... ..  
 1,000,000 ..... (re. \$180,370)

## LEGISLATIVE HEALTH SERVICE

By chapter 51, section 1, of the laws of 2008:  
 For services and expenses for the operation of the legislative health  
 service.

## PERSONAL SERVICE

Personal service-regular ... 185,400 ..... (re. \$11,424)

## NONPERSONAL SERVICE

Supplies and materials ... 26,000 ..... (re. \$6,708)  
 Contractual services ... 1,000 ..... (re. \$909)  
 Equipment ... 1,000 ..... (re. \$581)

By chapter 51, section 1, of the laws of 2007:

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## LEGISLATURE AND JUDICIARY 2009-10

For services and expenses for the operation of the legislative health service.

## PERSONAL SERVICE

Personal service-regular ... 180,000 ..... (re. \$1,489)

## NONPERSONAL SERVICE

Supplies and materials ... 13,421 ..... (re. \$11,160)

Contractual services ... 1,000 ..... (re. \$1,000)

Equipment ... 1,000 ..... (re. \$1,000)

By chapter 51, section 1, of the laws of 2006:

For services and expenses ... 189,729 ..... (re. \$5,903)

By chapter 51, section 1, of the laws of 2005:

For services and expenses ... 184,203 ..... (re. \$612)

By chapter 51, section 1, of the laws of 2004:

For services and expenses ... 178,838 ..... (re. \$5,582)

By chapter 51, section 1, of the laws of 2003:

For services and expenses ... 178,838 ..... (re. \$16,975)

## LEGISLATIVE LIBRARY

By chapter 51, section 1, of the laws of 2008:

For services and expenses and for temporary and special services for the operation of the legislative library.

## PERSONAL SERVICE

Personal service-regular ... 413,484 ..... (re. \$33,215)

Temporary service ... 10,000 ..... (re. \$10,000)

## NONPERSONAL SERVICE

Supplies and materials ... 250,000 ..... (re. \$32,337)

Contractual services ... 100,000 ..... (re. \$4,161)

Equipment ... 32,800 ..... (re. \$32,800)

By chapter 51, section 1, of the laws of 2007:

For services and expenses and for temporary and special services for the operation of the legislative library.

## PERSONAL SERVICE

Personal service-regular ... 390,000 ..... (re. \$11,165)

## NONPERSONAL SERVICE

Supplies and materials ... 250,000 ..... (re. \$169,672)

Contractual services ... 100,000 ..... (re. \$46,861)

Equipment ... 32,800 ..... (re. \$32,800)

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## LEGISLATURE AND JUDICIARY 2009-10

By chapter 51, section 1, of the laws of 2006:  
 For services and expenses and for temporary and special services  
 ... 760,000 ..... (re. \$3,415)

By chapter 51, section 1, of the laws of 2005:  
 For services and expenses and for temporary and special services  
 ... 683,276 ..... (re. \$42,660)

By chapter 51, section 1, of the laws of 2003:  
 For services and expenses and for temporary and special services  
 ... 663,375 ..... (re. \$1,069)

By chapter 51, section 1, of the laws of 2000:  
 For services and expenses and for temporary and special services  
 ... 734,014 ..... (re. \$302,908)

By chapter 51, section 1, of the laws of 1999:  
 For services and expenses and for temporary and special services  
 ... 712,635 ..... (re. \$605,956)

By chapter 51, section 1, of the laws of 1998:  
 For services and expenses and for temporary and special services  
 ... 691,879 ..... (re. \$374,336)

By chapter 51, section 1, of the laws of 1996:  
 For services and expenses and for temporary and special services  
 ... 677,317 ..... (re. \$314,443)

## LEGISLATIVE MESSENGER SERVICE

By chapter 51, section 1, of the laws of 2008:  
 For services and expenses for the operation of the legislative messenger service.

## PERSONAL SERVICE

Personal service-regular ... 905,000 ..... (re. \$63,197)  
 Temporary service ... 10,000 ..... (re. \$10,000)

## NONPERSONAL SERVICE

Supplies and materials ... 2,000 ..... (re. \$815)

By chapter 51, section 1, of the laws of 2007:  
 For services and expenses for the operation of the legislative messenger service.

## PERSONAL SERVICE

Personal service-regular ... 850,000 ..... (re. \$64,837)  
 Temporary service ... 10,000 ..... (re. \$10,000)

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## LEGISLATURE AND JUDICIARY 2009-10

## NONPERSONAL SERVICE

Supplies and materials ... 6,106 ..... (re. \$4,709)  
 Equipment ... 1,000 ..... (re. \$685)

By chapter 51, section 1, of the laws of 2006:

For services and expenses ... 841,850 ..... (re. \$18,351)

By chapter 51, section 1, of the laws of 2005:

For services and expenses ... 817,330 ..... (re. \$22,465)

By chapter 51, section 1, of the laws of 2003:

For services and expenses ... 688,524 ..... (re. \$274,909)

## LEGISLATIVE BILL DRAFTING COMMISSION

By chapter 51, section 1, of the laws of 2008:

For services and expenses, temporary and special services, and for expenses of maintenance and operation, including travel outside of the state.

## PERSONAL SERVICE

Personal service-regular ... 10,695,644 ..... (re. \$1,142,433)  
 Temporary service ... 170,950 ..... (re. \$86,951)

## NONPERSONAL SERVICE

Supplies and materials ... 335,375 ..... (re. \$124,365)  
 Travel ... 51,088 ..... (re. \$45,405)  
 Contractual services ... 1,727,437 ..... (re. \$406,626)  
 Equipment ... 160,397 ..... (re. \$133,203)

## LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT

General Fund / State Operations  
 State Purposes Account - 003

By chapter 51, section 1, of the laws of 2008:

For services and expenses ... of the task force for senate purposes.

## PERSONAL SERVICE

Personal service-regular ... 350,542 ..... (re. \$37,193)  
 Temporary service ... 5,000 ..... (re. \$5,000)

## NONPERSONAL SERVICE

Travel ... 3,000 ..... (re. \$555)  
 Contractual services ... 3,402 ..... (re. \$1,270)

For services and expenses ... of the task force for assembly purposes.



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## LEGISLATURE AND JUDICIARY 2009-10

## PERSONAL SERVICE

Personal service-regular ... 340,542 ..... (re. \$220,000)  
 Temporary service ... 10,000 ..... (re. \$10,000)

## NONPERSONAL SERVICE

Travel ... 1,000 ..... (re. \$1,000)  
 Contractual services ... 10,402 ..... (re. \$10,402)

For services and expenses ... of the task force for joint operations.

## PERSONAL SERVICE

Personal service-regular ... 803,601 ..... (re. \$170,000)  
 Temporary service ... 10,000 ..... (re. \$10,000)

## NONPERSONAL SERVICE

Supplies and materials ... 15,000 ..... (re. \$15,000)  
 Travel ... 5,000 ..... (re. \$5,000)  
 Contractual services ... 110,045 ..... (re. \$87,416)  
 Equipment ... 210,000 ..... (re. \$210,000)

By chapter 51, section 1, of the laws of 2007:

For services and expenses ... of the task force for senate purposes.

## PERSONAL SERVICE

Personal service-regular ... 340,000 ..... (re. \$8,707)

## NONPERSONAL SERVICE

Contractual services ... 3,402 ..... (re. \$3,235)

For services and expenses ... of the task force for assembly purposes.

## PERSONAL SERVICE

Personal service-regular ... 330,000 ..... (re. \$200,856)  
 Temporary service ... 10,000 ..... (re. \$10,000)

## NONPERSONAL SERVICE

Travel ... 1,000 ..... (re. \$1,000)  
 Contractual services ... 10,402 ..... (re. \$10,402)

For services and expenses ... of the task force for joint operations.

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## LEGISLATURE AND JUDICIARY 2009-10

## PERSONAL SERVICE

Personal service-regular ... 770,000 ..... (re. \$34,020)  
 Temporary service ... 10,000 ..... (re. \$10,000)

## NONPERSONAL SERVICE

Supplies and materials ... 15,000 ..... (re. \$14,986)  
 Travel ... 5,000 ..... (re. \$5,000)  
 Contractual services ... 110,045 ..... (re. \$110,045)  
 Equipment ... 210,000 ..... (re. \$210,000)

By chapter 51, section 1, of the laws of 2006:

For services and expenses ... of the task force for assembly  
 purposes ... 341,167 ..... (re. \$190,725)  
 For services and expenses ... of the task force for joint oper-  
 ations ... 1,087,422 ..... (re. \$339,315)

By chapter 51, section 1, of the laws of 2005:

For services and expenses ... of the task force for assembly  
 purposes ... 331,230 ..... (re. \$137,539)  
 For services and expenses ... of the task force for joint oper-  
 ations ... 1,055,750 ..... (re. \$330,793)

By chapter 51, section 1, of the laws of 2004:

For services and expenses ... of the task force for joint oper-  
 ations ... 1,025,000 ..... (re. \$275,014)

By chapter 51, section 1, of the laws of 2003:

For services and expenses ... of the task force for joint oper-  
 ations ... 1,025,000 ..... (re. \$247,798)

By chapter 51, section 1, of the laws of 2002:

For services and expenses ... of the task force for joint oper-  
 ations ... 1,500,000 ..... (re. \$147,338)

By chapter 51, section 4, of the laws of 2005, as consolidated and reap-  
 propriated:

For services and expenses ... of the task force for assembly  
 purposes ..... (re. \$1,336,470)

## MISCELLANEOUS

## SPECIAL REVENUE FUNDS - OTHER

## LEGISLATIVE COMPUTER SERVICES FUND

By chapter 51, section 1, of the laws of 2008:

For services and expenses of the Legislative Computer Services Fund.

## NONPERSONAL SERVICE

Contractual services ... 1,000,000 ..... (re. \$1,000,000)  
 Equipment ... 500,000 ..... (re. \$500,000)

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## LEGISLATURE AND JUDICIARY 2009-10

By chapter 51, section 1, of the laws of 2007:

For services and expenses of the Legislative Computer Services Fund.

## NONPERSONAL SERVICE

Contractual services .... 1,000,000 ..... (re. \$10,000)  
 Equipment ... 500,000 ..... (re. \$500,000)

By chapter 51, section 1, of the laws of 2006:

For services and expenses ... .. 1,500,000 ..... (re. \$510,000)

By chapter 51, section 1, of the laws of 2005:

For services and expenses ... .. 1,500,000 ..... (re. \$1,275,391)

By chapter 51, section 1, of the laws of 2004:

For services and expenses ... .. 1,500,000 ..... (re. \$966,000)

§ 5. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2009.

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## LEGISLATURE AND JUDICIARY 2009-10

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The Legislature of the STATE OF NEW YORK ss:

Pursuant to the authority vested in us by section 70-b of the Public Officers Law, we hereby jointly certify that this slip copy of this session law was printed under our direction and, in accordance with such section, is entitled to be read into evidence.

MALCOLM A. SMITH

Temporary President of the Senate

SHELDON SILVER

Speaker of the Assembly

## Notice of Cross-Motion

SUPREME COURT OF THE STATE OF NEW YORK  
 COUNTY OF NASSAU

-----X  
 EMILY PINES, DAVID DEMAREST, JEFFREY  
 D. LEBOWITZ, STEPHEN FERRADINO, RALPH  
 A. BONIELLO, III and JOSEPH CALABRESE,

Index No.  
 10-13518

Plaintiffs,

-against-

**NOTICE OF  
 CROSS-MOTION**

STATE OF NEW YORK

Defendant.

-----X  
 SIRs & MESDAMES:


PLEASE TAKE NOTICE, that upon the annexed affirmation of Steven Cohn, duly dated the 27th day of September, 2010, the exhibits thereto, and the accompanying memorandum of law, the undersigned will move this Court at an IAS Part 17, Hon. Karen A. Murphy, Justice Presiding, to be held at the Courthouse, 100 Supreme Court Drive, Mineola, New York on the 30th day of September, 2010, the return date of defendant's motion, or any adjourned date thereof, at 9:30 in the forenoon of that day, or as soon thereafter as counsel can be heard for an Order, pursuant to CPLR §3212, granting the plaintiffs summary judgment declaring that the salary of the Judges and Justices of the State of New York has been increased under Laws of 2009, Chapter 51, §3 ("Chapter 51") as of April 1, 2009, and that the State of New York is obligated to pay the Judges and Justices of the State of New York in accordance with Chapter 51 and Article VI,

§25(a) of the New York State Constitution, and granting such other and further relief as the Court may deem just and proper.

Dated: Carle Place, New York  
September 27th, 2010

Yours, etc.

STEVEN COHN, P.C.  
*Attorneys for Plaintiffs*

By:   
\_\_\_\_\_  
Steven Cohn, Esq.  
One Old Country Road  
Suite 420  
Carle Place, New York 11514  
(516) 294-6410

TO: ANDREW CUOMO,  
Attorney General of the State of New York  
*Attorney for the Defendant*  
200 Old Country Road,  
Suite 240  
Mineola, New York 11501

Supreme Court of the State of New York  
County of Nassau  
Notice of Cross-Motion

EMILY PINES, DAVID DEMAREST, JEFFREY D. LEBOWITY, STEPHEN FERRADINO, RALPH A. BONIELLO, III and JOSEPH CALABRESE,  
Plaintiffs,

-against-

STATE OF NEW YORK,

Defendant.

NOTICE OF CROSS-MOTION, AFFIRMATION IN OPPOSITION AND IN SUPPORT AND EXHIBITS

STEVEN COHN, P.C.  
Plaintiffs

Attorneys for

SUITE 420  
ONE OLD COUNTRY ROAD  
CARLE PLACE, NEW YORK 11514  
(516) 294-6410  
FAX: (516) 294-0094

To:

Attorney(s) for

Service of a copy of the within

is hereby admitted.

Dated:

Attorney(s) for

PLEASE TAKE NOTICE

Check Applicable Box

NOTICE OF ENTRY

that the within is a (certified) true copy of a entered in the office of the clerk of the within named Court on

20

NOTICE OF SETTLEMENT

that an Order of which the within is a true copy will be presented for settlement to the Hon. one of the judges of the within named Court.

at on

20

, at

M.

Dated:

STEVEN COHN, P.C.

Attorneys for

SUITE 420  
ONE OLD COUNTRY ROAD  
CARLE PLACE, NEW YORK 11514

FOIL 120532 000119

To:

Attorney(s) for

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NASSAU

-----x  
EMILY PINES, DAVID DEMAREST, JEFFREY  
D. LEBOWITZ, STEPHEN FERRADINO, RALPH  
A. BONIELLO, III and JOSEPH CALABRESE,

Index No.  
10-13518

Plaintiffs,

-against-

STATE OF NEW YORK

**AFFIRMATION IN  
OPPOSITION AND  
IN SUPPORT**

Defendant.  
-----x

STEVEN COHN, an attorney duly admitted to the Courts of this State does hereby affirm the following to be true under penalties of perjury:

1. I am a member of Steven Cohn, P.C., the attorney for the plaintiffs in the above-captioned case. I make this affirmation in opposition to the defendant's motion to dismiss the above-captioned action, and in support of plaintiffs' motion for summary judgment declaring that the salary of the Judges and Justices of the State of New York has been increased under Laws of 2009, Chapter 51, §3 ("Chapter 51") as of April 1, 2009, and that the State of New York is obligated to pay the Judges and Justices of the State of New York in accordance with Chapter 51 and Article VI, §25(a) of the New York State Constitution. A copy of the complaint is attached hereto as Exhibit "A".

2. Attached hereto as Exhibit "B" is the relevant portion of the 2009-2010 Judiciary Budget. Attached hereto as Exhibit



"C" is the Executive Summary that accompanied the 2009-2010 Judiciary Budget request, and upon which the appropriation for judicial salary adjustments was based.

3. Attached hereto as Exhibit "D" is the 2010-2011 Judiciary budget, passed after the holding of the Court of Appeals in *Maron v. Silver*, 14 N.Y.3d 230 (2010), and which contains appropriation language identical to that contained in the 2009-2010.

4. As is more fully set forth in the accompanying memorandum of law, the 2009-2010 appropriation, as set forth in Chapter 51 was immediately effective to amend judicial compensation in accordance therewith. Therefore, the motion to dismiss should be denied, and the cross-motion for summary judgment should be granted.

5. No prior application for this relief has been made.

WHEREFORE, it is respectfully submitted that the Court should deny the motion to dismiss, grant the cross-motion for summary judgment declaring that the salary of the Judges and Justices of the State of New York has been increased under Laws of 2009, Chapter 51, §3 ("Chapter 51") as of April 1, 2009, and that the State of New York is obligated to pay the Judges and Justices of the State of New York in accordance with Chapter 51 and Article VI, §25(a) of the New

York State Constitution, and grant such other and further relief  
as it may deem just and proper.

Dated: Carle Place, New York  
September 27, 2010

  
\_\_\_\_\_  
STEVEN COHN

# **EXHIBIT A**

## **Supplemental Summons and Amended Complaint**

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NASSAU

-----X  
EMILY PINES, DAVID DEMAREST, JEFFREY D.  
LEBOWITZ, STEPHEN FERRADINO and RALPH A.  
BONIELLO, III, and JOSEPH C. CALABRESE,  
*Plaintiffs,*

**Index No.:**  
**Filed on:**

-against-

Plaintiffs designate Nassau  
County as the place of trial

**SUPPLEMENTAL  
SUMMONS**

STATE OF NEW YORK,

Venue is based on CPLR  
503(a)

*Defendant.*

-----X

To the Above Named Defendant:

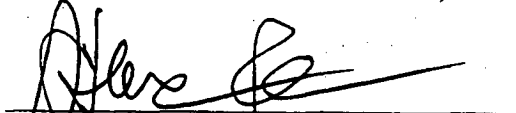
**YOU ARE HEREBY SUMMONED** to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the plaintiff's Attorneys within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: Carle Place, New York  
July 29, 2010

Defendants' addresses:

**State of New York**  
c/o Attorney General  
200 Old Country Road, Suite 240  
Mineola, NY 11501

**The Law Office of Steven Cohn, P.C.**



By: Steven Cohn, Esq.  
*Attorneys for Plaintiffs*  
One Old Country Road - Suite 420  
Carle Place, New York 11514  
(516) 294-6410

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NASSAU

-----X  
EMILY PINES, DAVID DEMAREST, JEFFREY D.  
LEBOWITZ, STEPHEN FERRADINO and RALPH A.  
BONIELLO, III, and JOSEPH C. CALABRESE,

Plaintiffs,

AMENDED  
VERIFIED COMPLAINT

-against-

Index No.

STATE OF NEW YORK,

Defendant.

-----X

Plaintiffs, by STEVEN COHN, P.C., their undersigned counsel, complaining of the  
Defendant, do hereby allege as follows:

1. Plaintiff, Emily Pines, a duly elected Justice of the Supreme Court, resides in Suffolk County.
2. Plaintiff, David Demarest, a duly elected Justice of the Supreme Court, resides in St. Lawrence County.
3. Plaintiff, Jeffrey D. Lebowitz, a duly appointed Judge of the Court of Claims, resides in Queens County.
4. Plaintiff, Stephen Ferradino, a duly elected Justice of the Supreme Court, resides in Saratoga County.
5. Plaintiff, Ralph A. Boniello, III, a duly elected Justice of the Supreme Court, resides in Niagara County.
6. Plaintiff, Joseph C. Calabrese, a duly elected Judge of the County Court, resides in Nassau County.

7. All of the Plaintiffs at the time of commencement of this action are duly elected or appointed judges or justices of the State of New York.

8. Defendant is the State of New York.

9. Article VI, § 25(a) of the New York State Constitution defines the manner in which the salary of judges and justices of the Unified Court System of the State of New York (hereinafter "New York judges and justices") is determined.

10. The 2009-2010 New York State Budget enacted and appropriated the lump sum of \$51,006,759 as follows:

**§3. The several amounts named in this section, or so much thereof as shall be sufficient to accomplish the purposes designated, being the unexpended balances of a prior year's appropriation, are hereby reappropriated from the same funds and made available for the same purposes as the prior year's appropriation, unless amended herein, for the state fiscal year beginning April 1, 2009.**

\* \* \*

**The appropriation made by chapter 51, section 2, of the laws of 2008, is hereby amended and reappropriated to read:**

**For expenses necessary to fund adjustments in the compensation of state-paid judges and justices of the unified court system and of housing judges of the New York city civil court, and for such other services and expenses specified in section two of this act.**

(Laws of 2009, Chapter 51, §3 [hereinafter "Chapter 51" or "2009 appropriation"])

11. The 2009 appropriation contained no language of limitation or further contingency

necessitating further legislative action to become effective.

12. The 2009 appropriation became fully effective and enforceable when it was passed by the Legislature and signed into law by the Governor.

13. The passage of the 2009 appropriation mandated that the compensation of all of the New York judges and justices be adjusted and paid as of April 1, 2009.

14. Notwithstanding the enactment of Chapter 51, the compensation of the New York judges and justices has not been recalculated, adjusted or paid.

15. The right to adjustment of judicial compensation pursuant to chapter 51 vested as of April 1, 2009, and thereafter.

16. There exists an actual controversy among the parties hereto, within the jurisdiction of this Court, involving the rights and liabilities of the parties under the 2009 appropriation, as to the parties and the obligations, which controversy may be determined by a judgment of this Court.

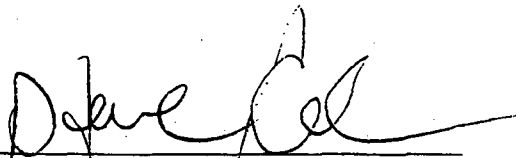
17. By virtue of the enactment of Chapter 51, this Court should declare that the compensation of the New York judges and justices had been adjusted; effective to April 1, 2009.

18. The Court should declare that the Defendant State of New York is obligated to pay the New York judges and justices in accordance with Chapter 51 and Article VI, §25(a) of the Constitution of the State of New York retroactive to April 1, 2009.

WHEREFORE, Plaintiffs demand judgment declaring that the compensation of the judges and justices of the Unified Court System of the State of New York has been duly increased pursuant to the Laws of 2009, Chapter 51, §3 and that the Defendant State of New York is obligated to pay the judges and justices of the Unified Court System of the State of New

York in accordance therewith retroactive to April 1, 2009, and granting appropriate costs and disbursements and such other and further relief as the Court may deem just and proper.

Dated: Carle Place, New York  
July 29, 2010



---

STEVEN COHN, ESQ.  
Law Office of Steven Cohn, P.C.  
Attorney for Plaintiffs  
One Old Country Road Suite 420  
Carle Place, New York 11514  
(516) 294-6410



certify that the annexed

has been compared by me with the original and found to be a true and complete copy thereof.

Attorney's  
Certification

say that: I am the attorney of record, or of counsel with the attorney(s) of record, for  
. I have read the annexed

Attorney's  
Verification  
by  
Attention

know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters I believe them to be true. My belief, as to those matters therein not stated upon knowledge, is based upon the following:

The reason I make this affirmation instead of \_\_\_\_\_ is \_\_\_\_\_

affirm that the foregoing statements are true under penalties of perjury.

Dated:

(Print signer's name below signature)

STATE OF NEW YORK, COUNTY OF NASSAU

SS:

JOSEPH C. CALABRESE

being sworn says: I am one of the Plaintiffs

in the action herein; I have read the annexed AMENDED VERIFIED COMPLAINT

Individual  
Verification

know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters I believe them to be true.

the \_\_\_\_\_ of \_\_\_\_\_

Corporate  
Verification

a corporation, one of the parties to the action; I have read the annexed  
know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters I believe them to be true.

My belief, as to those matters therein not stated upon knowledge, is based upon the following:

Sworn to before me on July 29, 2010

STEVEN COHN.  
NOTARY PUBLIC, State of New York  
No. 02C05068536  
Qualified in Nassau County  
Commission Expires 09/30/2014

(Print signer's name below signature)  
JOSEPH C. CALABRESE

SS:

STATE OF NEW YORK, COUNTY OF

being sworn says: I am not a party to the action, am over 18 years of

age and reside at

On \_\_\_\_\_, 20\_\_\_\_, I served a true copy of the annexed

in the following manner:

by mailing the same in a sealed envelope, with postage prepaid thereon, in a post-office or official depository of the U.S. Postal Service within the State of New York, addressed to the last known address of the addressee(s) as indicated below:

Service  
By Mail

by delivering the same personally to the persons and at the addresses indicated below:

Personal  
Service

Sworn to before me on \_\_\_\_\_, 20\_\_\_\_

(Print signer's name below signature)

# **EXHIBIT B**

## **Revelant Portion of 2009- 2010 Judiciary Budget**

# STATE OF NEW YORK

S. 51

A. 151

## SENATE - ASSEMBLY

(Prefiled)

January 7, 2009

IN SENATE -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

IN ASSEMBLY -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read once and referred to the Committee on Ways and Means

AN ACT making appropriations for the support of government

(LEGISLATURE AND JUDICIARY BUDGET)

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The several amounts named in this section or so much there-  
2 of as shall be sufficient to accomplish the purposes designated by the  
3 appropriations, are hereby appropriated and authorized to be paid as  
4 hereinafter provided, to the respective public officers and for the  
5 fiscal year beginning April 1, 2009.

6 GENERAL FUND / STATE OPERATIONS  
7 STATE PURPOSES ACCOUNT - 003

8 THE LEGISLATURE

9 THE SENATE

10 For services and expenses of the Senate (including liabil-  
11 ities incurred prior to April 1, 2009), including travel  
12 outside the state, in accordance with the following  
13 schedule ..... 86,942,625  
14 =====

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [ ] is old law to be omitted.



## LEGISLATURE AND JUDICIARY 2009-10

1 Lawyers' Fund for Client Protection of the State of New  
2 York - 306

3 For expenses associated with the operation  
4 of the Lawyers' Fund for Client Protection  
5 of the State of New York; provided that,  
6 notwithstanding any other provision of law  
7 to the contrary, and in accordance with  
8 section 4 of the state finance law, the  
9 state comptroller is hereby authorized and  
10 directed to transfer, upon the request of  
11 the chief administrator of the courts, up  
12 to \$3,750,000 from the Special Revenue  
13 Funds - Other/State Operations Attorney  
14 Licensing Fund to the Lawyers' Fund for  
15 Client Protection of the State of New York  
16 on or before March 31, 2010.

## 17 PERSONAL SERVICE

18 Personal service - regular ..... 691,777  
19 Personal service - temporary ..... 10,000  
20 .....  
21 Amount available for personal service ..... 701,777  
22 .....

## 23 NONPERSONAL SERVICE

24 Supplies and Materials ..... 14,800  
25 Travel ..... 25,000  
26 Contractual Services ..... 12,155,000  
27 Equipment ..... 5,000  
28 .....  
29 Amount available for nonpersonal service .... 12,199,800  
30 .....  
31 Program fund subtotal ..... 12,901,577  
32 .....

## 33 AID TO LOCALITIES

34 General Fund ..... 4,718,700  
35 Special Revenue Funds - Other ..... 123,553,284  
36 .....  
37 All Funds ..... 128,271,984  
38 =====

39 COURTS OF ORIGINAL JURISDICTION ..... 4,718,700  
40 .....

41 General Fund / State Operations  
42 Local Assistance Account - 001



## LEGISLATURE AND JUDICIARY 2009-10

1

## MAINTENANCE UNDISTRIBUTED

2

For services and expenses including travel

3

outside the state and the payment of

4

liabilities incurred prior to April 1,

5

2009 ..... 4,718,700

6

7

Program account subtotal ..... 4,718,700

8

9

COURT FACILITIES INCENTIVE AID ..... 123,553,284

10

11

Special Revenue Funds - Other / Aid to Localities

12

Court Facilities Incentive Aid Fund - 340

13

For expenses necessary to implement the

14

provisions of law relating to the furnish-

15

ing of court facilities and the provisions

16

of section 219-a of the judiciary law;

17

provided that, notwithstanding any other

18

provision of law to the contrary, and in

19

accordance with section 4 of the state

20

finance law, where moneys in the court

21

facilities incentive aid fund, including

22

such moneys as may be transferred thereto

23

pursuant to subdivision 6 of section 94 of

24

the state finance law, are insufficient to

25

meet vouchers presented for payment

26

charged to this appropriation or for

27

transfers made pursuant to paragraph (b)

28

of subdivision 2 of such section, the

29

state comptroller is hereby authorized and

30

directed to transfer, upon the request of

31

the chief administrator of the courts,

32

sufficient moneys to meet such vouchers or

33

to permit such transfers, not exceeding

34

\$50,000,000 from the General Fund to the

35

Court Facilities Incentive Aid Fund on or

36

before March 31, 2010.

37

## NONPERSONAL SERVICE

38

Grants ..... 123,553,284

39

40

Program fund subtotal ..... 123,553,284

41



PRINTED ON RECYCLED PAPER

LEGISLATURE AND JUDICIARY 2009-10

1 REAPPROPRIATIONS

2 § 3. The several amounts named in this section, or so much thereof as  
3 shall be sufficient to accomplish the purposes designated, being the  
4 unexpended balances of a prior year's appropriation, are hereby reappro-  
5 priated from the same funds and made available for the same purposes as  
6 the prior year's appropriation, unless amended herein, for the state  
7 fiscal year beginning April 1, 2009.

8 THE JUDICIARY  
9 STATE OPERATIONS

10 SCHEDULE

11 COURTS OF ORIGINAL JURISDICTION

- 12 Special Revenue Funds - Federal / State Operations
- 13 Federal Operating Grants Fund - 290
- 14 Federal Miscellaneous Grants (Operating) Account

15 MAINTENANCE UNDISTRIBUTED

- 16 By chapter 51, section 2, of the laws of 2008:
- 17 For services and expenses including travel outside the state and the
- 18 payment of liabilities incurred prior to April 1, 2008 .....
- 19 8,000,000 ..... (re. \$8,000,000)
  
- 20 By chapter 51, section 2, of the laws of 2007, as reappropriated by
- 21 chapter 51, section 3, of the laws of 2008:
- 22 For services and expenses of drug court operations .....
- 23 3,000,000 ..... (re. \$2,000,000)
- 24 Maintenance Undistributed ... 4,800,000 ..... (re. \$4,000,000)
  
- 25 By chapter 51, section 2, of the laws of 2006, as reappropriated by
- 26 chapter 51, section 3, of the laws of 2008:
- 27 For services and expenses of drug court operations .....
- 28 3,000,000 ..... (re. \$600,000)
- 29 Maintenance Undistributed ... 3,500,000 ..... (re. \$1,800,000)
  
- 30 By chapter 51, section 2, of the laws of 2005, as reappropriated by
- 31 chapter 51, section 3, of the laws of 2008:
- 32 For services and expenses of drug court operations .....
- 33 4,000,000 ..... (re. \$700,000)
- 34 Maintenance Undistributed ... 3,500,000 ..... (re. \$200,000)
  
- 35 By chapter 51, section 2, of the laws of 2004, as reappropriated by
- 36 chapter 51, section 3, of the laws of 2008:
- 37 For services and expenses of drug court operations .....
- 38 6,000,000 ..... (re. \$350,000)
  
- 39 By chapter 51, section 2, of the laws of 2003, as reappropriated by
- 40 chapter 51, section 3, of the laws of 2008:
- 41 For services and expenses of drug court operations .....
- 42 4,000,000 ..... (re. \$400,000)



## LEGISLATURE AND JUDICIARY 2009-10

1 Special Revenue Funds - Federal / State Operations  
2 Federal Health and Human Services - 265

## 3 MAINTENANCE UNDISTRIBUTED

4 By chapter 51, section 2, of the laws of 2008:  
5 For services and expenses including travel outside the state and the  
6 payment of liabilities incurred prior to April 1, 2008 .....  
7 1,100,000 ..... (re. \$1,100,000)

8 By chapter 51, section 2, of the laws of 2007, as reappropriated by  
9 chapter 51, section 3, of the laws of 2008:  
10 For services and expenses of drug court operations .....  
11 500,000 ..... (re. \$500,000)  
12 Maintenance Undistributed ... 500,000 ..... (re. \$400,000)

13 Special Revenue Funds - Other / State Operations  
14 Miscellaneous Special Revenue Fund - 339

## 15 MAINTENANCE UNDISTRIBUTED

16 By chapter 51, section 2, of the laws of 2008:  
17 For services and expenses including travel outside the state and the  
18 payment of liabilities incurred prior to April 1, 2008 .....  
19 1,500,000 ..... (re. \$1,500,000)

20 By chapter 51, section 2, of the laws of 2007, as reappropriated by  
21 chapter 51, section 3, of the laws of 2008:  
22 Maintenance Undistributed ... 1,250,000 ..... (re. \$500,000)

## 23 APPELLATE AUXILIARY OPERATIONS

24 General Fund / State Operations  
25 State Purposes Account - 003

26 By chapter 51, section 2, of the laws of 2008:

## 27 NONPERSONAL SERVICE

28 Contractual services ... 87,326,647 ..... (re. \$2,000,000)

## 29 JUDICIARY-WIDE MAINTENANCE UNDISTRIBUTED

30 General Fund / State Operations  
31 State Purposes Account - 003

32 The appropriation made by chapter 51, section 2, of the laws of 2008, is  
33 hereby amended and reappropriated to read:

34 For expenses necessary to fund adjustments in the compensation of  
35 state-paid judges and justices of the unified court system and of  
36 housing judges of the New York city civil court, [pursuant to a  
37 subsequent chapter of law specifying such salary levels] and for  
38 such other services and expenses specified in section two of this  
39 act.

# **EXHIBIT C**

## **Enacted Budget Bill**



**JUDICIARY**  
**2009-2010 BUDGET REQUEST**  
**EXECUTIVE SUMMARY**

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<b>Executive Summary</b>	<b>i</b>
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<b>Analysis of Change</b>	<b>iv</b>
<b>All Funds Summary Tables</b>	<b>v</b>
<b>2009-2010 Judiciary Appropriation Bill</b>	<b>viii</b>

**JUDICIARY**  
**2009-2010 BUDGET REQUEST**  
**EXECUTIVE SUMMARY**

In preparing this budget request, the Judiciary has been mindful of the extraordinary events unfolding in the broader economy and of their impact on the State's fiscal health. The Judiciary is committed to working with the Executive and Legislative Branches to address the grave situation facing New York State government. At the same time the Judiciary must continue to fulfill its constitutional duties, especially now, as the economic downturn itself brings more and more New Yorkers into the courts.

The Judiciary's fiscal year 2009-2010 budget request seeks to balance these competing obligations. It is an austere request that provides the minimum resources essential to meeting the Judiciary's core mission. The General Fund State Operations and Aid to Localities portion of the request totals \$2.27 billion. This represents no increase over the current year. The Judiciary's All Funds budget request totals \$2.5 billion, an increase of just \$2.3 million, or one-tenth of one percent over the current year appropriation. This small increase comes not from the General Fund but from fees paid by attorneys and others who utilize court services.

The Judiciary's zero-growth General Fund budget request will require that the Judiciary continue the spending controls instituted earlier this year in response to the State's worsening fiscal condition. Because so much of the Judiciary budget is for personnel-related expenses, meaningful spending controls must focus there. For this reason, the centerpiece of the Judiciary's spending control program is a freeze on filling administrative vacancies and a strict review of vacancies in court operational positions. The Judiciary has also imposed restrictions on travel and purchases, and will continue to rely on technology, including expanded use of video-conferencing, remote court appearances, and electronic filing, to make court operations more efficient and cost-effective.

The Judiciary submits this austere budget request at a time when the courts' workload continues at record levels, with more than four million new cases having been filed in both 2006 and 2007.

It is expected that the economic downturn will bring additional work to the courts. Like court systems around the nation, New York's courts are experiencing a surge in residential mortgage foreclosure filings. In some counties, filings have risen more than 200% in the past few years. In response, the Judiciary announced a program to facilitate settlement of these cases and to ensure that homeowners are aware of available legal services and mortgage counselors. To date, over 25,000 notices have been sent to homeowners informing them of available services and inviting them to attend an early court conference to explore settlement possibilities. These early settlement conferences, which in many counties across the State will be held in dedicated parts presided over by specially-trained referees and staff, will soon be mandatory under recently-enacted legislation (chapter 472 of the Laws of 2008).

Other areas in which the courts anticipate increased filings include consumer debt, evictions, and family-related matters. The Judiciary is closely monitoring caseload trends in these and other areas, and is preparing to handle increased filings by shifting existing resources and implementing targeted programs, such as our mortgage foreclosure program, to more effectively manage and resolve particular case types. The needs of self-represented litigants are receiving special attention, as they comprise a large percentage of the litigants in housing, consumer debt and other case types that are particularly affected by the broader economic conditions.

The Family Court caseload continues its steady growth, particularly in the areas of child protection, custody and visitation, and child support. The increase in child protective proceedings has been dramatic, with neglect cases in New York City doubling over the past five years, and abuse cases increasing by more than 35% over that period. The Judiciary has initiated a new collaboration, bringing together foster care agencies, counsel for parents and children, and various city and state government agencies, to develop a comprehensive plan for improving how these cases are handled and resolved, with continuous trials, and fewer and shorter adjournments, toward the goal of speeding permanent placement.

The courts are also beginning to see a new category of filings pursuant to chapter 326 of the Laws of 2008, which authorized family and criminal courts to issue orders of protection to persons involved in an "intimate relationship," enabling domestic violence victims who are not married or related to their abusers, such as dating partners and unmarried couples, to seek civil orders of protection. Since it took effect in July 2008, this legislation has resulted in a 12% increase in family offense matters Statewide, including a 16% increase in the New York City Family Court. As appropriate, based on local needs, Family Courts are responding to this increased workload by shifting existing resources and implementing new procedures, including the creation of dedicated parts for family offense cases in those counties with a large number of such new filings.

Family and Supreme Courts are also preparing to implement chapter 595 of the Laws of 2008, which, effective January 23, 2009, requires that prior to issuing a temporary, permanent or successive custody or visitation order, the court review various databases for information, including the statewide domestic violence registry, the sex offender registry, and the court system's family court case management system for "related decisions" in child abuse and neglect proceedings. Within the parameters of the zero-growth budget, the Judiciary is preparing to absorb this work with existing resources using technology changes to expedite the searches.

The Judiciary's proposed budget continues funding to implement the Action Plan for the Justice Courts. The local Town and Village Courts, which each year handle more than two million cases, including arraignment of serious felonies, trials of other crimes, and a broad range of civil matters, have historically operated with limited support and assistance from the State Judiciary. Recognizing the critical role of these courts in the State's overall justice system, the Action Plan set forth a range of State Judiciary initiatives to support these locally-administered courts and ensure that they are equipped to fulfill their important duties. In the two years since its release in November 2006, the Action Plan has improved the Justice Courts in concrete ways that can be felt by the justices who serve in these courts as well as the public they serve. Key achievements include expansion and strengthening of training for local justices, enhanced automation support, acceptance of credit card

payments of fees and fines, and the requirement, for the first time, that Justice Court proceedings be on the record.

While the function of the Judiciary is to adjudicate cases rather than generate funds for the State, the courts do in fact collect significant revenues. In fiscal year 2007-2008, the courts collected more than \$102 million in various administrative fees, principally attorney registration fees, bar examination fees and charges for criminal history searches. These fees fund a very small part of court operations, as well as a variety of criminal justice initiatives, including indigent defense, civil legal services, and the Lawyers' Fund for Client Protection. The Judiciary also collected nearly \$230 million in court filing fees during fiscal 2007-2008, \$155 million of which was credited to the State's General Fund and \$75 million of which funded an aid to localities program. In addition, the courts collected more than \$228 million in fines and surcharges, \$43 million of which went to the State and \$186 million was remitted to local governments. (In addition to these revenues collected by the state-paid courts, more than \$215 million in additional fines and surcharges are collected by the local Town and Village Courts.) The Judiciary is implementing new procedures to enhance collection of fines and surcharges imposed to ensure that the State and its localities receive the funds to which they are entitled.

The recently announced Green Justice initiative represents another effort by the Judiciary to carefully manage its resources. The primary focus of Green Justice is reducing the environmental impact of the judicial system, through such measures as a greater reliance on electronic filing, video appearances and conferences, remote learning, and acceptance of online credit card payments for fees and fines. Experience has shown that environmental responsibility and economic responsibility go hand in hand, and Green Justice will therefore not only lighten the court system's environmental footprint, but also enhance the efficiency of court operations and the prudent use of limited resources.

Finally, it is once again necessary to address the need for a salary increase for the judges of the Unified Court System. Within two months it will be the tenth anniversary of the last cost-of-living adjustment received by New York's judges. The Judiciary budget bill includes language that would raise judicial compensation in New York, retroactive to April 1, 2005, and the budget provides for appropriate funding. Equally important is reform of the way in which the salaries of judges are set. New York State needs an open and accountable process for adjusting salaries of its judges on a regular basis. The Judiciary has submitted a proposal to establish a mechanism for the regular review of judicial salaries and will continue to urge enactment of this much-needed reform.

This budget reflects the Judiciary's commitment to working with the Executive and Legislative branches to address the grave challenges facing the State. The budget is the product of difficult choices that were made to fulfill that commitment while also meeting the Judiciary's constitutional obligations.

## THE 2009-2010 JUDICIARY BUDGET REQUEST

The budget request for the Judiciary General Fund State Operations and Aid to Localities for fiscal year 2009-2010 totals \$2.3 billion, no change from the current appropriation. The All Funds request totals \$2.5 billion, an increase of \$2.3 million, or .1% over the current year.

### Key Elements of Change

Significant elements of change in the Judiciary's 2009-2010 General Fund State Operations and Aid to Localities budget request include the following:

- \$40.7 million in net increases for increments, salary increases, longevity bonuses and other mandated collective bargaining costs.
- \$9.0 million to annualize the costs of current year line adjustments, including approved temporary service conversions and transfers from local to state-paid public safety services.
- \$6.3 million in baseline overtime personal service increases, primarily attributable to public safety-related staffing.
- (\$20.1) million in personal service savings attributable to a vacancy control program.
- \$1.8 million in real estate rental costs, including costs for additional court support office space, chambers and courtroom space for Court of Claims Judges, and space for Mental Hygiene Legal Services staff needed to implement chapter 7 of the Laws of 2007 (civil confinement of sex offenders).
- \$6.6 million in child legal representation costs, including full-year funding to implement law guardian caseload caps established pursuant to chapter 626 of the Laws of 2007.
- \$12.4 million attributable to increased employee fringe benefit costs, including projected health insurance premium increases.
- (\$4.1) million in nonpersonal service savings attributable to the elimination of planned public safety enhancements, including conversions from local to state-paid security in various upstate localities.
- (\$4.6) million in nonpersonal service savings attributable to a variety of cost savings measures, including, but not limited to, reductions in legal reference materials, business-related travel and equipment.

Unified Court System  
2009-10 Budget Request  
All Funds Appropriation Requirements  
Major Purpose/Fund Summary

<u>Category / Fund / Major Purpose</u>	<u>2008-2009 Available</u>	<u>2009-2010 Requested</u>	<u>Change</u>
<b><u>Court &amp; Agency Operations:</u></b>			
<i>Courts of Original Jurisdiction</i>	1,517,587,227	1,540,679,957	23,092,730
<i>Court of Appeals</i>	16,043,599	16,308,446	264,847
<i>Appellate Court Operations</i>	73,270,318	76,936,614	3,666,296
<i>Appellate Auxiliary Operations</i>	112,549,703	119,593,807	7,044,104
<i>Administration &amp; General Support</i>	24,837,266	24,670,698	(166,568)
<i>Judiciary Wide Maintenance Undistributed</i>	53,146,675	6,816,964	(46,329,711)
<b><u>Court &amp; Agency Operations - General Fund Total</u></b>	<b><u>1,797,434,788</u></b>	<b><u>1,785,006,486</u></b>	<b><u>(12,428,302)</u></b>
<b><u>Special Revenue Fund - Federal</u></b>			
	9,100,000	9,100,000	0
<b><u>Special Revenue Fund - Other</u></b>			
<i>NYC County Clerks Operations Offset Fund</i>	23,763,203	24,094,357	331,154
<i>Judiciary Data Processing Offset Fund</i>	17,537,374	18,064,995	527,621
<i>Miscellaneous Special Revenue</i>	1,500,000	1,500,000	0
<i>Attorney Licensing Fund</i>	24,730,413	25,615,035	884,622
<i>Indigent Legal Services Fund</i>	25,000,000	25,000,000	0
<i>Court Facilities Incentive Aid Fund</i>	2,152,022	2,351,976	199,954
<b><u>Court &amp; Agency Operations - All Funds Total</u></b>	<b><u>1,901,217,800</u></b>	<b><u>1,890,732,849</u></b>	<b><u>(10,484,951)</u></b>
<b><u>General State Charges</u></b>			
<i>General Fund</i>	466,904,283	479,332,585	12,428,302
<i>Lawyers' Fund for Client Protection</i>	98,000	98,000	0
<i>Attorney Licensing Fund</i>	4,407,721	4,525,020	117,299
<i>Court Facilities Incentive Aid Fund</i>	453,134	465,192	12,058
<i>New York City County Clerks' Offset Fund</i>	5,396,366	5,539,579	143,213
<i>Judiciary Data Processing Offset Fund</i>	3,789,816	3,890,675	100,859
<b><u>General State Charges - All Funds Total</u></b>	<b><u>481,049,320</u></b>	<b><u>493,851,051</u></b>	<b><u>12,801,731</u></b>
<b><u>Lawyers' Fund for Client Protection</u></b>			
<i>Lawyers' Fund for Client Protection</i>	12,888,555	12,901,577	13,022
<b><u>Lawyers' Fund for Client Protection - Total</u></b>	<b><u>12,888,555</u></b>	<b><u>12,901,577</u></b>	<b><u>13,022</u></b>
<b><u>Aid to Localities</u></b>			
<i>General Fund - Courts of Original Jurisdiction</i>	4,718,700	4,718,700	0
<i>Court Facilities Incentive Aid</i>	123,553,284	123,553,284	0
<b><u>Aid to Localities - All Funds Total</u></b>	<b><u>128,271,984</u></b>	<b><u>128,271,984</u></b>	<b><u>0</u></b>
<b><u>Capital Projects</u></b>			
<i>General Fund</i>	0	0	0
<i>Special Revenue Funds</i>	0	0	0
<b><u>Capital Construction - All Funds Total</u></b>	<b><u>0</u></b>	<b><u>0</u></b>	<b><u>0</u></b>
<b><u>Grand Total All Funds</u></b>	<b><u>2,523,427,659</u></b>	<b><u>2,525,757,461</u></b>	<b><u>2,329,802</u></b>
<i>Retroactive Collective Bargaining</i>	65,000,000		
<b><u>Black Book Total</u></b>	<b><u>2,588,427,659</u></b>		

**Unified Court System  
2009-10 Budget Request  
All Funds Appropriation Requirements  
Major Purpose/Fund Summary  
(Fund Detail)**

<u>Category/Fund/Major Purpose</u>	<u>2008-2009 Available</u>	<u>2009-2010 Requested</u>	<u>Change</u>
<b><u>Court &amp; Agency Operations:</u></b>			
Courts of Original Jurisdiction			
<i>General Fund</i>	1,517,587,227	1,540,679,957	23,092,730
<i>Special Revenue Funds</i>	52,568,569	53,472,023	903,454
<b>Total - All Funds</b>	<b>1,570,155,796</b>	<b>1,594,151,980</b>	<b>23,996,184</b>
Court of Appeals			
<i>General Fund</i>	16,043,599	16,308,446	264,847
<i>Special Revenue Funds</i>	0	0	0
<b>Total - All Funds</b>	<b>16,043,599</b>	<b>16,308,446</b>	<b>264,847</b>
Appellate Court Operations			
<i>General Fund</i>	73,270,318	76,936,614	3,666,296
<i>Special Revenue Funds</i>	0	0	0
<b>Total - All Funds</b>	<b>73,270,318</b>	<b>76,936,614</b>	<b>3,666,296</b>
Appellate Auxiliary Operations			
<i>General Fund</i>	112,549,703	119,593,807	7,044,104
<i>Special Revenue Funds</i>	46,406,048	47,427,221	1,021,173
<b>Total - All Funds</b>	<b>158,955,751</b>	<b>167,021,028</b>	<b>8,065,277</b>
Administration & General Support			
<i>General Fund</i>	24,837,266	24,670,698	(166,568)
<i>Special Revenue Funds</i>	2,882,601	2,966,339	83,738
<b>Total - All Funds</b>	<b>27,719,867</b>	<b>27,637,037</b>	<b>(82,830)</b>
Judiciary Wide Maintenance Undistributed			
<i>General Fund</i>	53,146,675	6,816,964	(46,329,711)
<i>Special Revenue Funds</i>	1,925,794	1,860,780	(65,014)
<b>Total - All Funds</b>	<b>55,072,469</b>	<b>8,677,744</b>	<b>(46,394,725)</b>
<b><u>Court &amp; Agency Operations - Total</u></b>			
<i>General Fund</i>	1,797,434,788	1,785,006,486	(12,428,302)
<i>Special Revenue</i>	103,783,012	105,726,363	1,943,351
<b>Total - All Funds</b>	<b>1,901,217,800</b>	<b>1,890,732,849</b>	<b>(10,484,951)</b>
<b><u>General State Charges</u></b>			
<i>General Fund</i>	466,904,283	479,332,585	12,428,302
<i>Special Revenue</i>	14,145,037	14,518,466	373,429
<b>Total - All Funds</b>	<b>481,049,320</b>	<b>493,851,051</b>	<b>12,801,731</b>
<b><u>Lawyers' Fund for Client Protection</u></b>			
<i>General Fund</i>	0	0	0
<i>Special Revenue Funds</i>	12,888,555	12,901,577	13,022
<b>Total - All Funds</b>	<b>12,888,555</b>	<b>12,901,577</b>	<b>13,022</b>
<b><u>Aid to Localities</u></b>			
<i>General Fund</i>	4,718,700	4,718,700	0
<i>Special Revenue Funds</i>	123,553,284	123,553,284	0
<b>Total - All Funds</b>	<b>128,271,984</b>	<b>128,271,984</b>	<b>0</b>
<b><u>Capital Projects</u></b>			
<i>General Fund</i>	0	0	0
<i>Special Revenue Fund</i>	0	0	0
<b>Total - All Funds</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Grand Total - All Funds</b>	<b>2,523,427,659</b>	<b>2,525,757,461</b>	<b>2,329,802</b>

**Unified Court System  
2009-10 Budget Request  
All Funds Disbursement Requirements  
(Millions \$)**

<u>Category / Fund</u>	<u>2008 - 2009 Projected</u>	<u>2009 - 2010 Projected</u>	<u>Change</u>
<b><u>Court &amp; Agency Operations:</u></b>			
<b>General Fund</b>	1,725.3	1,765.1	39.8
<b>Special Revenue Federal</b>	6.1	6.3	0.2
<b>Special Revenue Funds - Other</b>			
NYC County Clerks Operations Offset Fund	24.1	24.8	0.7
Judiciary Data Processing Offset Fund	17.0	17.8	0.8
Miscellaneous Special Revenue	25.6	26.3	0.7
Indigent Legal Services Fund	25.0	25.0	0.0
Court Facilities Incentive Aid Fund	1.7	1.8	0.1
<b><u>Court &amp; Agency Operations - All Funds Total</u></b>	<b><u>1,824.8</u></b>	<b><u>1,867.1</u></b>	<b><u>42.3</u></b>
<b><u>General State Charges</u></b>			
General Fund	467.1	475.5	8.4
NYC County Clerks' Operations Offset Fund	5.3	5.5	0.2
Judiciary Data Processing Offset Fund	3.7	3.8	0.1
Miscellaneous Special Revenue	0.0	4.5	4.5
Court Facilities Incentive Aid Fund	0.4	0.5	0.1
Lawyers' Fund for Client Protection	0.1	0.1	0.0
<b><u>General State Charges - All Funds Total</u></b>	<b><u>476.6</u></b>	<b><u>489.9</u></b>	<b><u>13.3</u></b>
<b><u>Lawyers' Fund for Client Protection</u></b>			
Lawyers' Fund for Client Protection	7.9	8.0	0.1
<b><u>Lawyers' Fund for Client Protection - Total</u></b>	<b><u>7.9</u></b>	<b><u>8.0</u></b>	<b><u>0.1</u></b>
<b><u>Aid to Localities</u></b>			
General Fund - Courts of Original Jurisdiction	6.9	4.8	(2.1)
Court Facilities Incentive Aid Fund	113.7	117.5	3.8
<b><u>Aid to Localities - All Funds Total</u></b>	<b><u>120.6</u></b>	<b><u>122.3</u></b>	<b><u>1.7</u></b>
<b><u>Capital Projects</u></b>			
Courthouse Improvements	3.0	16.5	13.5
<b><u>Capital Construction - All Funds Total</u></b>	<b><u>3.0</u></b>	<b><u>16.5</u></b>	<b><u>13.5</u></b>
<b><u>All Funds Total</u></b>	<b><u>2,432.9</u></b>	<b><u>2,503.8</u></b>	<b><u>70.9</u></b>



## THE JUDICIARY

§2. (a) The several amounts named in this section, or so much thereof as shall be sufficient to accomplish the purposes designated by the appropriations, are hereby appropriated and authorized to be paid as hereinafter provided, to the respective public officers and for the several purposes specified, which amounts shall be available for the fiscal year beginning April 1, 2009.

(b) Notwithstanding any other provision of law, the compensation of state-paid judges and justices of the unified court system and of housing judges of the New York city civil court shall be adjusted in accordance with the following and such adjustments shall be funded from available appropriations named in this act:

(1) A justice of the supreme court shall receive an annual salary of one hundred sixty-two thousand, one hundred dollars, effective April first, two thousand five; an annual salary of one hundred sixty-five thousand, two hundred dollars effective April first, two thousand six; an annual salary of one hundred sixty-nine thousand, three hundred dollars, effective April first, two thousand eight; and an annual salary equaling that of a judge of the United States district court, effective April first, two thousand nine.

(2) Commencing April first, two thousand five, the following judges and justices shall receive an annual salary equaling that of a justice of the supreme court plus a percentage thereof, as set forth herein;

- (i) chief judge of the court of appeals, fourteen and twelve one hundredths percent;
- (ii) associate judges and justices of the court of appeals, ten and sixty-one one hundredths percent;
- (iii) presiding justices of the appellate division, seven and ninety-seven one hundredths percent;
- (iv) associate justices of the appellate division, the presiding judge of the court of claims and judges and justices who are designated deputy chief administrative judges, five and thirty-four one hundredths percent;

(v) presiding justices of the appellate term, judges who are designated deputy or assistant administrative judges within the city of New York and judges or justices who are designated administrative judges for a judicial district or county outside the city of New York, three and fifty-one one hundredths percent;

(vi) associate justices of the appellate term, two and nineteen one hundredths percent; and

(vii) judges of the court of claims, no additional percentage.

(3) Commencing April first, two thousand five, the following judges shall receive an annual salary equaling a percentage of that of a justice of the supreme court, as set forth herein:

(i) judges of the county court, judges of the family court and judges of the surrogate's court, ninety-five percent;

(ii) judges of the New York city civil court, judges of the New York city criminal court and judges of the district court, ninety-three percent; and

(iii) judges of the city court outside the city of New York who are not permitted to practice law, ninety percent.

Notwithstanding the foregoing, any judge specified in subparagraph (i) of this paragraph, in an office that on March thirty-first, two thousand five was paid an annual salary that was more than ninety-five percent of the annual salary paid a justice of the supreme court on such date, shall receive an annual salary equaling an amount bearing the same proportion to the salary of a justice of the supreme court as the annual salary of his or her office bore to the salary of a justice of the supreme court on March thirty-first, two thousand five. In the event a new judgeship is established for a county court, family court or surrogate's court on a date after March thirty-first, two thousand five, the annual salary for such office shall equal the annual salary for each other judgeship already established for such court on such date.

(4)(i) Commencing April first, two thousand five, each judge of a city court who is permitted to practice law shall receive an annual salary equaling an amount bearing the same proportion to the salary of the lowest-paid judge of a city court who is not permitted to practice law as the salary of his or her office on March thirty-first, two thousand five bore to the salary of such lowest-paid judge on such day; except that, effective April first, two thousand seven, each judge of a city court outside the city of New York who is permitted to practice law shall receive an annual salary equaling an amount bearing the same proportion

to the salary of the lowest-paid judge of a city court who is not permitted to practice law as the salary of his or her office on April first, two thousand seven bears to the salary for such lowest-paid judge on such date pursuant to the provisions of chapter four hundred ninety-three of the laws of two thousand six.

(ii) In the event a new judgeship is established for a city court outside the city of New York after March thirty-first, two thousand seven, and the person who holds such office is permitted to practice law, the annual salary for such office on the date of its establishment shall be as provided by law. Thereafter, the annual salary of such office shall be as provided in subparagraph (i) of this paragraph except that, for purposes of such subparagraph (i), the date on which such office was established shall be substituted for the date specified therein.

(5) Commencing April first, two thousand five and notwithstanding any other provision of this section, the annual salaries of each of the following judges, as specified in paragraph three of this subdivision, shall be increased by the amounts specified in this subparagraph:

(i) each chief judge of a city court outside the city of New York who is not permitted to practice law, an amount equal to one and five one hundredths percent of his or her annual salary as provided by law; and

(ii) each president of the board of judges of a district court, an amount equal to three and forty-two one hundredths percent of his or her annual salary as provided by law.

(6) Commencing April first, two thousand five, the annual salary of a housing judge of the New York city civil court shall equal an amount representing ninety-five percent of the annual salary of a judge of such court as provided in subparagraph (ii) of paragraph three hereof.

For services and expenses including travel outside the state and the payment of liabilities incurred prior to April 1, 2009 in accordance with the following schedule.

#### STATE OPERATIONS AND AID TO LOCALITIES 2009-2010

	APPROPRIATIONS	REAPPROPRIATIONS
General Fund - State and Local.....	2,269,057,771	61,800,000
Special Revenue Funds - Federal.....	9,100,000	20,050,000
Special Revenue Funds - Other.....	247,599,690	22,000,000
All Funds.....	<u>2,525,757,461</u>	<u>103,850,000</u>

#### JUDICIARY BUDGET SUMMARY OF NEW APPROPRIATIONS

Fund Type	State Operations	Aid to Localities	Capital Projects	Total
GF - State / Local	2,264,339,071	4,718,700	0	2,269,057,771
SR - Federal	9,100,000	0	0	9,100,000
SR - Other	124,046,406	123,553,284	0	247,599,690
All Funds	<u>2,397,485,477</u>	<u>128,271,984</u>	<u>0</u>	<u>2,525,757,461</u>

## SCHEDULE

COURTS OF ORIGINAL JURISDICTION ..... 1,594,151,980

General Fund / State Operations  
State Purposes Account - 003

## PERSONAL SERVICE

Personal service - regular .....	1,267,117,501
Personal service - temporary .....	17,039,929
Personal service - holiday / overtime compensation .....	40,025,196
Amount available for personal service .....	1,324,182,626

## NONPERSONAL SERVICE

Supplies and Materials .....	28,780,031
Travel .....	6,351,924
Contractual Services .....	166,586,122
Equipment .....	8,997,954
Amount available for nonpersonal service .....	210,716,031

## MAINTENANCE UNDISTRIBUTED

For services and expenses including travel outside the state and the payment of liabilities incurred prior to April 1, 2009 .....	5,781,300
Program account subtotal .....	1,540,679,957

Special Revenue Funds - Other / State Operations  
New York City County Clerks'  
Operations Offset Fund - 368

For services and expenses as provided by section 94-a of the  
State Finance Law.

## PERSONAL SERVICE

Personal service - regular .....	18,982,725
Personal service - temporary .....	1,553,959
Personal service - holiday / overtime compensation .....	37,300
Amount available for personal service .....	20,573,984

## NONPERSONAL SERVICE

Supplies and Materials .....	218,009
Travel .....	7,500
Contractual Services .....	3,294,864

Amount available for nonpersonal service ..... 3,520,373  
 Program account subtotal ..... 24,094,357

Special Revenue Funds - Other / State Operations  
 Judiciary Data Processing Offset Fund - 369

For services and expenses as provided by section 94-b of the  
 State Finance Law.

PERSONAL SERVICE

Personal service - regular ..... 16,922,881  
 Personal service - temporary ..... 1,026,549  
 Personal service - holiday / overtime compensation ..... 115,565  
 Program fund subtotal ..... 18,064,995

Special Revenue Funds - Other / State Operations  
 Court Facilities Incentive Aid Fund - 340

PERSONAL SERVICE

Personal service - regular ..... 709,732  
 Personal service - holiday / overtime compensation ..... 2,939  
 Program fund subtotal ..... 712,671

Special Revenue Funds - Federal / State Operations  
 Federal Operating Grants Fund - 290  
 Federal Miscellaneous Grants (Operating) Account

MAINTENANCE UNDISTRIBUTED

For services and expenses including travel outside the state and the  
 payment of liabilities incurred prior to April 1, 2009 ..... 6,500,000  
 Program account subtotal ..... 6,500,000

Special Revenue Funds - Federal / State Operations  
 Federal Grants - Health and Human Services - 265

MAINTENANCE UNDISTRIBUTED

For services and expenses including travel outside the state and the  
 payment of liabilities incurred prior to April 1, 2009 ..... 2,600,000  
 Program account subtotal ..... 2,600,000

Special Revenue Funds - Other / State Operations  
 Miscellaneous Special Revenue Funds - 339

MAINTENANCE UNDISTRIBUTED

For services and expenses including travel outside the state and the payment of liabilities incurred prior to April 1, 2009 .....	1,500,000
Program fund subtotal .....	1,500,000

COURT OF APPEALS AND LAW REPORTING BUREAU ..... 16,308,446

General Fund / State Operations  
 State Purposes Account - 003

PERSONAL SERVICE

Personal service - regular .....	13,040,666
Personal service - temporary .....	155,382
Personal service - holiday / overtime compensation .....	80,960
Amount available for personal service .....	13,277,008

NONPERSONAL SERVICE

Supplies and Materials .....	995,200
Travel .....	438,029
Contractual Services .....	1,548,209
Equipment .....	50,000
Amount available for nonpersonal service .....	3,031,438
Program account subtotal .....	16,308,446

COURT OPERATIONS ..... 76,936,614

General Fund / State Operations  
 State Purposes Account - 003

PERSONAL SERVICE

Personal service - regular .....	69,437,837
Personal service - temporary .....	1,208,464
Personal service - holiday / overtime compensation .....	247,525
Amount available for personal service .....	70,893,826

NONPERSONAL SERVICE

Supplies and Materials .....	2,466,604
Travel .....	638,675
Contractual Services .....	2,587,509
Equipment .....	350,000
Amount available for nonpersonal service .....	6,042,788
Program account subtotal .....	76,936,614

APPELLATE AUXILIARY OPERATIONS ..... 167,021,028

General Fund / State Operations  
State Purposes Account - 003

PERSONAL SERVICE

Personal service - regular .....	24,972,786
Personal service - temporary .....	1,879,743
Personal service - holiday / overtime compensation .....	1,000
Amount available for personal service .....	26,853,529

NONPERSONAL SERVICE

Supplies and Materials .....	377,830
Travel .....	506,704
Contractual Services .....	91,855,744
Amount available for nonpersonal service .....	92,740,278
Program account subtotal .....	119,593,807

Special Revenue Funds - State / State Operations  
Attorney Licensing Fund

For services and expenses funded from fees required pursuant  
to section 468-a of the Judiciary Law

PERSONAL SERVICE

Personal service - regular .....	15,947,399
Personal service - temporary .....	596,748
Personal service - holiday / overtime compensation .....	1,300
Amount available for personal service .....	16,545,447

NONPERSONAL SERVICE

Supplies and Materials .....	359,211
Travel .....	157,794
Contractual Services .....	5,364,769
Amount available for nonpersonal service .....	5,881,774
Program fund subtotal .....	22,427,221
Special Revenue Funds - State / State Operations Indigent Legal Services Fund - 390	

For services and expenses as provided by  
section 98-b of the State Finance Law.

NONPERSONAL SERVICE

Contractual Services .....	25,000,000
Program fund subtotal .....	25,000,000

ADMINISTRATION AND GENERAL SUPPORT ..... 27,637,037

General Fund / State Operations  
State Purposes Account - 003

PERSONAL SERVICE

Personal service - regular .....	17,063,117
Personal service - temporary .....	3,895,044
Personal service - holiday / overtime compensation .....	356,850
Amount available for personal service .....	21,315,011

NONPERSONAL SERVICE

Supplies and Materials .....	547,412
Travel .....	556,895
Contractual Services .....	2,251,380
Amount available for nonpersonal service .....	3,355,687
Program account subtotal .....	24,670,698

Special Revenue Funds - Other / State Operations  
Court Facilities Incentive Aid Fund - 340

PERSONAL SERVICE

Personal service - regular .....	571,031
Personal service - temporary .....	455,524
Amount available for personal service .....	1,026,555

NONPERSONAL SERVICE

Supplies and Materials .....	1,500
Travel .....	10,000
Contractual Services .....	601,250
Amount available for nonpersonal service .....	612,750

Program account subtotal ..... 1,639,305

Special Revenue Funds - Other / State Operations  
Attorney Licensing Fund

For services and expenses funded from fees required pursuant  
to section 468-a of the Judiciary Law

PERSONAL SERVICE

Personal service - regular .....	507,978
Personal service - temporary .....	206,925
Personal service - holiday / overtime compensation .....	28,000
Amount available for personal service .....	742,903

NONPERSONAL SERVICE

Supplies and Materials .....	24,087
Travel .....	3,240
Contractual Services .....	556,804
Amount available for nonpersonal service .....	584,131

Program account subtotal ..... 1,327,034

JUDICIARY-WIDE MAINTENANCE UNDISTRIBUTED ..... 8,677,744

General Fund / State Operations  
State Purposes Account - 003

PERSONAL SERVICE

Personal service - regular .....	4,901,472
Personal service - temporary .....	471,046



Amount available for personal service ..... 5,372,518

NONPERSONAL SERVICE

Supplies and Materials ..... 7,000  
 Travel ..... 15,000  
 Contractual Services ..... 1,422,446

Amount available for nonpersonal service ..... 1,444,446

Program account subtotal ..... 6,816,964

Special Revenue Funds - Other / State Operations  
 Attorney Licensing Fund

For services and expenses funded from fees required pursuant  
 to section 468-a of the Judiciary Law.

PERSONAL SERVICE

Personal service - regular ..... 545,584  
 Personal service - temporary ..... 826,037

Amount available for personal service ..... 1,371,621

NONPERSONAL SERVICE

Supplies and Materials ..... 16,403  
 Travel ..... 49,250  
 Contractual Services ..... 423,506

Amount available for nonpersonal service ..... 489,159

Program account subtotal ..... 1,860,780

GENERAL STATE CHARGES

EMPLOYEE FRINGE BENEFITS ..... 493,851,051

General Fund / State Operations  
 State Purposes Account - 003

NONPERSONAL SERVICE

For Fringe Benefits ..... 479,332,585

Program account subtotal ..... 479,332,585

Special Revenue Funds - Other / State Operations  
Attorney Licensing Fund

NONPERSONAL SERVICE

For Fringe Benefits .....	4,525,020
Program fund subtotal .....	4,525,020

Special Revenue Funds - Other / State Operations  
Court Facilities Incentive Aid Fund - 340

NONPERSONAL SERVICE

For Fringe Benefits .....	465,192
Program fund subtotal .....	465,192

Special Revenue Funds - Other / State Operations  
Lawyers' Fund for Client Protection of the State of New York- 306

NONPERSONAL SERVICE

For Fringe Benefits .....	98,000
Program fund subtotal .....	98,000

Special Revenue Funds - Other / State Operations  
New York City County Clerks'  
Operations Offset Fund - 368

NONPERSONAL SERVICE

For Fringe Benefits .....	5,539,579
Program fund subtotal .....	5,539,579

Special Revenue Funds - Other / State Operations  
Judiciary Data Processing Offset Fund - 369

NONPERSONAL SERVICE

For Fringe Benefits .....	3,890,675
Program fund subtotal .....	3,890,675

## CLIENT PROTECTION

LAWYERS' CLIENT PROTECTION ..... 12,901,577

Special Revenue Funds - Other/State Operations  
Lawyers' Fund for Client Protection of the State of New York - 306

For expenses associated with the operation of the Lawyers' Fund for Client Protection of the State of New York; provided that, notwithstanding any other provision of law to the contrary, and in accordance with section 4 of the State Finance Law, the State Comptroller is hereby authorized and directed to transfer, upon the request of the chief administrator of the courts, up to \$3,750,000 from the Special Revenue Funds - Other/State Operations Attorney Licensing Fund to the Lawyers' Fund for Client Protection of the State of New York on or before March 31, 2010.

## PERSONAL SERVICE

Personal service - regular .....	691,777
Personal service - temporary .....	10,000
Amount available for personal service .....	701,777

## NONPERSONAL SERVICE

Supplies and Materials .....	14,800
Travel .....	25,000
Contractual Services .....	12,155,000
Equipment .....	5,000
Amount available for nonpersonal service .....	12,199,800
Program fund subtotal.....	12,901,577

## AID TO LOCALITIES

General Fund .....	4,718,700
Special Revenue Funds - Other .....	123,553,284
All Funds .....	128,271,984

COURTS OF ORIGINAL JURISDICTION ..... 4,718,700

General Fund / State Operations  
Local Assistance Account - 001

MAINTENANCE UNDISTRIBUTED

For services and expenses including travel outside the state and the payment of liabilities incurred prior to April 1, 2009 .....	4,718,700
Program account subtotal .....	4,718,700

COURT FACILITIES INCENTIVE AID .....	123,553,284
--------------------------------------	-------------

Special Revenue Funds - Other / Aid to Localities  
 Court Facilities Incentive Aid Fund - 340

For expenses necessary to implement the provisions of law relating to the furnishing of court facilities and the provisions of section 219-a of the Judiciary Law; provided that, notwithstanding any other provision of law to the contrary, and in accordance with section 4 of the State Finance Law, where moneys in the court facilities incentive aid fund, including such moneys as may be transferred thereto pursuant to subdivision 6 of section 94 of the state finance law, are insufficient to meet vouchers presented for payment charged to this appropriation or for transfers made pursuant to paragraph (b) of subdivision 2 of such section, the State Comptroller is hereby authorized and directed to transfer, upon the request of the chief administrator of the courts, sufficient moneys to meet such vouchers or to permit such transfers, not exceeding \$50,000,000 from the General Fund to the Court Facilities Incentive Aid Fund on or before March 31, 2010.

NONPERSONAL SERVICE

Grants .....	123,553,284
Program fund subtotal .....	123,553,284

REAPPROPRIATIONS

§3. The several amounts named in this section, or so much thereof as shall be sufficient to accomplish the purposes designated, being the unexpended balances of a prior year's appropriation, are hereby reappropriated from the same funds and made available for the same purposes as the prior year's appropriation, unless amended herein, for the state fiscal year beginning April 1, 2009.

THE JUDICIARY  
STATE OPERATIONS  
SCHEDULE

COURTS OF ORIGINAL JURISDICTION

Special Revenue Funds - Federal / State Operations  
Federal Operating Grants Fund - 290  
Federal Miscellaneous Grants (Operating) Account

MAINTENANCE UNDISTRIBUTED

By chapter 51, section 2, of the laws of 2008: For services and expenses including travel outside the state and the payment of liabilities incurred prior to April 1, 2008 .....	8,000,000 .....	(re. 8,000,000 )
By chapter 51, section 2, of the laws of 2007, as reappropriated by chapter 51, section 3, of the laws of 2008: For services and expenses of drug court operations .....	3,000,000 .....	(re. 2,000,000 )
Maintenance Undistributed .....	4,800,000 .....	(re. 4,000,000 )
By chapter 51, section 2, of the laws of 2006, as reappropriated by chapter 51, section 3, of the laws of 2008: For services and expenses of drug court operations .....	3,000,000 .....	(re. 600,000 )
Maintenance Undistributed .....	3,500,000 .....	(re. 1,800,000 )
By chapter 51, section 2, of the laws of 2005, as reappropriated by chapter 51, section 3, of the laws of 2008: For services and expenses of drug court operations .....	4,000,000 .....	(re. 700,000 )
Maintenance Undistributed .....	3,500,000 .....	(re. 200,000 )
By chapter 51, section 2, of the laws of 2004, as reappropriated by chapter 51, section 3, of the laws of 2008: For services and expenses of drug court operations .....	6,000,000 .....	(re. 350,000 )
By chapter 51, section 2, of the laws of 2003, as reappropriated by chapter 51, section 3, of the laws of 2008: For services and expenses of drug court operations .....	4,000,000 .....	(re. 400,000 )
Special Revenue Funds - Federal / State Operations Federal Health and Humans Services - 265		

MAINTENANCE UNDISTRIBUTED

By chapter 51, section 2, of the laws of 2008: For services and expenses including travel outside the state and the payment of liabilities incurred prior to April 1, 2008 .....	1,100,000 .....	(re.	1,100,000 )
By chapter 51, section 2, of the laws of 2007 as reappropriated by chapter 51, section 3, of the laws of 2008: For services and expenses of drug court operations .....	500,000 .....	(re.	500,000 )
Maintenance Undistributed .....	500,000 .....	(re.	400,000 )
Special Revenue Funds - Other / State Operations Miscellaneous Special Revenue Fund - 339			

MAINTENANCE UNDISTRIBUTED

By chapter 51, section 2, of the laws of 2008: For services and expenses including travel outside the state and the payment of liabilities incurred prior to April 1, 2008 .....	1,500,000 .....	(re.	1,500,000 )
By chapter 51, section 2, of the laws of 2007, as reappropriated by chapter 51, section 3, of the laws of 2008: Maintenance Undistributed .....	1,250,000 .....	(re.	500,000 )

APPELLATE AUXILIARY OPERATIONS

General Fund / State Operations  
State Purposes Account - 003

By chapter 51, section 2, of the laws of 2008:

NONPERSONAL SERVICE

Contractual Services .....	87,326,647 .....	(re.	2,000,000 )
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JUDICIARY-WIDE MAINTENANCE UNDISTRIBUTED

General Fund / State Operations  
State Purposes Account - 003

By chapter 51, section 2, of the laws of 2008:  
For expenses necessary to fund adjustments in the compensation  
of state-paid judges and justices of the unified court system and  
housing judges of the New York city civil court, [pursuant to a  
subsequent chapter of law specifying such salary levels]

and for such other services and expenses specified in section two of this act.

PERSONAL SERVICE

Personal Service - regular ..... 51,006,759 ..... (re. 48,000,000 )

COURT FACILITIES INCENTIVE AID

Special Revenue Funds - Other / Aid to Localities  
Court Facilities Incentive Aid Fund - 340

By chapter 51, section 2, of the laws of 2008:

For expenses necessary to implement provisions of law relating to the furnishing of court facilities and the provisions of section 219-a of the judiciary law; provided that, notwithstanding any other provision of law to the contrary, and in accordance with section 4 of the state finance law, where monies in the court facilities incentive aid fund, including such monies as may be transferred thereto pursuant to subdivision 6 of section 94 of the state finance law, are insufficient to meet vouchers presented for payment charged to this appropriation or for transfers made pursuant to paragraph (b) of subdivision 2 of such section, the state comptroller is hereby authorized and directed to transfer, upon the request of the chief administrator of the courts, sufficient moneys to meet such vouchers or to permit such transfers, not exceeding \$50,000,000 from the General Fund to the Court Facilities Incentive Aid Fund on or before March 31, 2009.

NONPERSONAL SERVICE

Grants ..... 123,553,284 ..... (re. 20,000,000 )

CAPITAL PROJECTS

COURTHOUSE IMPROVEMENTS (CCP)

Preservation of Facilities Purpose

By chapter 51, section 2, of the laws of 2007 as reappropriated by chapter 51, section 3, of the laws of 2008:

For expenses associated with improvements in the Court of Appeals Centennial Hall Annex

(52JT0707) ..... 20,000,000 ..... (re. 20,000,000 )

For expenses associated with the acquisition of and improvements to a training academy in Kings County for the training of court security personnel

(52JT0707) ..... 33,700,000 ..... (re. 33,700,000 )

For expenses associated with the acquisition of and improvements to a training academy in [Saratoga County having multiple purposes including Kings County for the training of court security personnel and for improvements in the Court of Appeals Centennial Hall Annex and the Justice Building quarters of the Appellate Division, Third Judicial Department (52JT0707) ..... 24,200,000 ..... (re. 14,200,000 )

General Fund / State Operations  
State Purposes Account - 003

By chapter 276, section 10, of the Laws of 2008:

The sum of one hundred sixty-three million dollars (\$163,000,000), or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury in the general fund to the credit of the state purposes account, not otherwise appropriated, and made immediately available to the administrative office of the courts for payment pursuant to the provisions of this act; provided, however, where the provisions of this act require expenditures that must be paid from appropriations from funds of the state other than the general fund or that, by established administrative practice, are paid from such funds, the chief administrator of the courts shall so certify to the comptroller, and thereupon the appropriation provided in this section shall be available for such expenditures..... \$163,000,000 ..... (re. 11,800,000 )



# **EXHIBIT D**

## **2010-2011 Judiciary Budget**

## STATE OF NEW YORK

S. 6601

A. 9701

## SENATE - ASSEMBLY

January 19, 2010

IN SENATE -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

IN ASSEMBLY -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read once and referred to the Committee on Ways and Means

AN ACT making appropriations for the support of government

(LEGISLATURE AND JUDICIARY BUDGET)

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The several amounts named in this section or so much there-  
2 of as shall be sufficient to accomplish the purposes designated by the  
3 appropriations, are hereby appropriated and authorized to be paid as  
4 hereinafter provided, to the respective public officers and for the  
5 fiscal year beginning April 1, 2010.

6 GENERAL FUND / STATE OPERATIONS  
7 STATE PURPOSES ACCOUNT - 003

8 THE LEGISLATURE

9 OFFICE OF THE LIEUTENANT GOVERNOR

10 ADMINISTRATION PROGRAM ..... 277,409  
11 .....

12 PERSONAL SERVICE

13 Personal service-regular ..... 262,500

14 ..... 262,500

15 Amount available for personal service ..... 262,500

16 .....

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [ ] is old law to be omitted.



LEGISLATURE AND JUDICIARY 2010-11

1 For personal service of employees.

2 NONPERSONAL SERVICE

3 Supplies and materials ..... 14,909  
 4 .....  
 5 Amount available for nonpersonal service ..... 14,909  
 6 .....

7 THE SENATE

8 For services and expenses of the Senate (including liabil-  
 9 ities incurred prior to April 1, 2010), including travel  
 10 outside the state, in accordance with the following  
 11 schedule ..... 92,831,974  
 12 =====

13 SCHEDULE

14 PERSONAL SERVICE

15 For payment of salaries to Members, 62,  
 16 pursuant to section 5 of the legislative  
 17 law ..... 4,929,000  
 18 For payment of allowances to members desig-  
 19 nated by the temporary president, pursuant  
 20 to the schedule of such allowances set  
 21 forth in section 5-a of the legislative  
 22 law ..... 1,289,500  
 23 For personal service of employees and for  
 24 temporary and expert services of members'  
 25 offices and of standing committees:  
 26 Personal service-regular ..... 34,500,000  
 27 For personal service of employees and for  
 28 temporary and expert services for senate  
 29 operations:  
 30 Personal service-regular ..... 25,513,474  
 31 For personal service of employees and for  
 32 temporary and expert services for the  
 33 senate student program office:  
 34 Personal service-regular ..... 160,000  
 35 Temporary service ..... 600,000  
 36 .....  
 37 Amount available for personal service ..... 66,991,974  
 38 .....

39 NONPERSONAL SERVICE

40 Supplies and materials ..... 4,300,000  
 41 Travel ..... 1,600,000  
 42 Miscellaneous contractual services ..... 17,240,000  
 43 Equipment ..... 2,700,000  
 44 .....



LEGISLATURE AND JUDICIARY 2010-11

1 Amount available for nonpersonal service .. 25,840,000  
2 .....

3 THE ASSEMBLY

4 For services and expenses (including liabilities incurred  
5 prior to April 1, 2010), including travel outside the  
6 state, in accordance with the following schedule ..... 103,329,789  
7 =====

8 SCHEDULE

9 PERSONAL SERVICE

10 Members, 150, payment of salaries pursuant  
11 to section 5 of the legislative law ..... 11,925,000  
12 For payment of allowances to members desig-  
13 nated by the speaker pursuant to the  
14 provisions of section 5-a of the legisla-  
15 tive law ..... 1,592,500  
16 For personal service of employees and for  
17 temporary and expert services of members'  
18 offices and of standing committees and  
19 subcommittees:  
20 Personal service-regular ..... 23,381,090  
21 Temporary service ..... 2,288,275  
22 For personal service of employees and for  
23 temporary and expert services for adminis-  
24 trative and program support operations:  
25 Personal service-regular ..... 39,221,819  
26 Temporary service ..... 466,269  
27 For the Assembly Intern and Youth Partic-  
28 ipation Program for personal service of  
29 employees and for temporary and expert  
30 services:  
31 Personal service-regular ..... 226,164  
32 Temporary service ..... 713,672  
33 .....

34 Amount available for personal service ..... 79,814,789  
35 .....

36 NONPERSONAL SERVICE

37 Supplies and materials ..... 2,100,000  
38 Travel ..... 2,750,000  
39 Miscellaneous contractual services ..... 17,310,000  
40 Equipment ..... 1,355,000  
41 .....

42 Amount available for nonpersonal service .... 23,515,000  
43 .....

44 ASSEMBLY WAYS AND MEANS COMMITTEE

45 For services and expenses (including liabilities incurred



LEGISLATURE AND JUDICIARY 2010-11

1 prior to April 1, 2010), including travel outside the  
 2 state, in accordance with the following schedule ..... 5,889,349  
 3 =====

PERSONAL SERVICE

5 Personal service-regular ..... 5,344,349  
 6 Temporary service ..... 160,000  
 7 .....  
 8 Amount available for personal service ..... 5,504,349  
 9 .....

NONPERSONAL SERVICE

11 Supplies and materials ..... 190,000  
 12 Travel ..... 30,000  
 13 Contractual services ..... 115,000  
 14 Equipment ..... 50,000  
 15 .....  
 16 Amount available for nonpersonal service ..... 385,000  
 17 .....

SENATE AND ASSEMBLY JOINT ENTITIES  
LEGISLATIVE ETHICS COMMISSION

20 For services and expenses of the Legislative Ethics  
 21 Commission pursuant to section 80 of the legislative law  
 22 in accordance with the following schedule ..... 380,757  
 23 =====

PERSONAL SERVICE

25 Personal service-regular ..... 363,090  
 26 Temporary service ..... 10,000  
 27 .....  
 28 Amount available for personal service ..... 373,090  
 29 .....

NONPERSONAL SERVICE

31 Supplies and materials ..... 5,667  
 32 Contractual services ..... 1,000  
 33 Equipment ..... 1,000  
 34 .....  
 35 Amount available for nonpersonal service ..... 7,667  
 36 .....

NATIONAL CONFERENCE OF STATE LEGISLATURES

38 For a contribution to the National Conference of State  
 39 Legislatures in accordance with the following schedule ..... 380,867  
 40 =====



## LEGISLATURE AND JUDICIARY 2010-11

## 1 NONPERSONAL SERVICE

2 Supplies and materials ..... 380,867  
 3 .....  
 4 Amount available for nonpersonal service ..... 380,867  
 5 .....

## 6 LEGISLATIVE HEALTH SERVICE

7 For services and expenses for the operation of the legis-  
 8 lative health service in accordance with the following  
 9 schedule ..... 213,400  
 10 =====

## 11 PERSONAL SERVICE

12 Personal service-regular ..... 185,400  
 13 .....  
 14 Amount available for personal service ..... 185,400  
 15 .....

## 16 NONPERSONAL SERVICE

17 Supplies and materials ..... 26,000  
 18 Contractual services ..... 1,000  
 19 Equipment ..... 1,000  
 20 .....  
 21 Amount available for nonpersonal service ..... 28,000  
 22 .....

## 23 LEGISLATIVE LIBRARY

24 For services and expenses and for temporary and special  
 25 services for the operation of the legislative library in  
 26 accordance with the following schedule ..... 806,284  
 27 =====  
 28

## PERSONAL SERVICE

29 Personal service-regular ..... 413,484  
 30 Temporary service ..... 10,000  
 31 .....  
 32 Amount available for personal service ..... 423,484  
 33 .....

## 34 NONPERSONAL SERVICE

35 Supplies and materials ..... 250,000  
 36 Contractual services ..... 100,000  
 37 Equipment ..... 32,800  
 38 .....  
 39 Amount available for nonpersonal service ..... 382,800  
 40 .....



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## LEGISLATURE AND JUDICIARY 2010-11

1

## LEGISLATIVE MESSENGER SERVICE

2 For services and expenses for the operation of the legis-  
 3 lative messenger service in accordance with the follow-  
 4 ing schedule ..... 917,000  
 5 =====

6

## PERSONAL SERVICE

7 Personal service-regular ..... 905,000

8 Temporary service ..... 10,000  
 9 .....

10 Amount available for personal service ..... 915,000  
 11 .....

12

## NONPERSONAL SERVICE

13 Supplies and materials ..... 2,000  
 14 .....

15 Amount available for nonpersonal service ..... 2,000  
 16 .....

17

## LEGISLATIVE BILL DRAFTING COMMISSION

18 For services and expenses, temporary and special services,  
 19 and for expenses of maintenance and operation, including  
 20 travel outside of the state, in accordance with the  
 21 following schedule ..... 13,140,891  
 22 =====

23

## PERSONAL SERVICE

24 Personal service-regular ..... 10,695,644

25 Temporary service ..... 170,950  
 26 .....

27 Amount available for personal service ..... 10,866,594  
 28 .....

29

## NONPERSONAL SERVICE

30 Supplies and materials ..... 335,375

31 Travel ..... 51,088

32 Contractual services ..... 1,727,437

33 Equipment ..... 160,397  
 34 .....

35 Amount available for nonpersonal service ..... 2,274,297  
 36 .....

37

## LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT

38 For services and expenses (including liabilities  
 39 incurred prior to April 1, 2010) of the task force for  
 40 senate purposes in accordance with the following sche-  
 41 dule ..... 361,944



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LEGISLATURE AND JUDICIARY 2010-11

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PERSONAL SERVICE

3	Personal service-regular .....	350,542
4	Temporary service .....	5,000
5	.....	
6	Amount available for personal service .....	355,542
7	.....	

8 NONPERSONAL SERVICE

9	Travel .....	3,000
10	Contractual services .....	3,402
11	.....	
12	Amount available for nonpersonal service .....	6,402
13	.....	

14	For services and expenses (including liabilities incurred	
15	prior to April 1, 2010) of the task force for assembly	
16	purposes in accordance with the following schedule .....	361,944
17	.....	

18 PERSONAL SERVICE

19	Personal service-regular .....	340,542
20	Temporary service .....	10,000
21	.....	
22	Amount available for personal service .....	350,542
23	.....	

24 NONPERSONAL SERVICE

25	Travel .....	1,000
26	Contractual services .....	10,402
27	.....	
28	Amount available for nonpersonal service .....	11,402
29	.....	

30	For services and expenses (including liabilities incurred	
31	prior to April 1, 2010) of the task force for joint	
32	operations in accordance with the following schedule .....	1,153,646
33	.....	

34 PERSONAL SERVICE

35	Personal service-regular .....	803,601
36	Temporary service .....	10,000
37	.....	
38	Amount available for personal service .....	813,601
39	.....	





LEGISLATURE AND JUDICIARY 2010-11

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NONPERSONAL SERVICE

Supplies and materials .....	15,000
Travel .....	5,000
Contractual services .....	110,045
Equipment .....	210,000
.....	
Amount available for nonpersonal service .....	340,045
.....	

SPECIAL REVENUE FUNDS -- OTHER  
LEGISLATIVE COMPUTER SERVICES FUND

For services and expenses of the Legislative Computer Services Fund in accordance with the following schedule ....	1,500,000
.....	

NONPERSONAL SERVICE

Contractual services .....	1,000,000
Equipment .....	500,000
.....	
Amount available for nonpersonal service .....	1,500,000
.....	

SENATE RECYCLABLE MATERIALS,  
INFORMATION SERVICES AND CONFERENCE FUND

For services and expenses of the Senate Recyclable Materi- als, Information Services and Conference Fund in accord- ance with the following schedule .....	50,000
.....	

NONPERSONAL SERVICE

Supplies and materials .....	50,000
.....	
Amount available for nonpersonal service .....	50,000
.....	

ASSEMBLY RECYCLABLE MATERIALS,  
INFORMATION SERVICES AND CONFERENCE FUND

For services and expenses of the Assembly Recyclable Mate- rials, Information Services and Conference Fund in accordance with the following schedule .....	50,000
.....	

NONPERSONAL SERVICE

Supplies and materials .....	50,000
.....	
Amount available for nonpersonal service .....	50,000
.....	



LEGISLATURE AND JUDICIARY 2010-11

1 GRANTS AND BEQUESTS FUND

2 LEGISLATURE

3 THE SENATE

4 For services and expenses relative to restoration of the  
5 Senate Chamber and other purposes as funded by non-state  
6 grants in accordance with the following schedule ..... 250,000  
7 .....

8 NONPERSONAL SERVICE

9 Contractual services ..... 250,000

10 .....

11 Amount available for nonpersonal service ..... 250,000

12 .....

13 THE ASSEMBLY

14 For services and expenses relative to restoration of the  
15 Assembly Chamber and other purposes as funded by non-  
16 state grants in accordance with the following schedule ..... 250,000  
17 .....

18 NONPERSONAL SERVICE

19 Contractual services ..... 250,000

20 .....

21 Amount available for nonpersonal service ..... 250,000

22 .....



## LEGISLATURE AND JUDICIARY 2010-11

1

## THE JUDICIARY

2 § 2. (a) The several amounts named in this section, or so much thereof  
3 as shall be sufficient to accomplish the purposes designated by the  
4 appropriations, are hereby appropriated and authorized to be paid as  
5 hereinafter provided, to the respective public officers and for the  
6 several purposes specified, which amounts shall be available for the  
7 fiscal year beginning April 1, 2010.

8 (b) Notwithstanding any other provision of law, the compensation of  
9 state-paid judges and justices of the unified court system and of hous-  
10 ing judges of the New York city civil court shall be adjusted in accord-  
11 ance with the following and such adjustments shall be funded from avail-  
12 able appropriations named in this section and section three of this act:

13 (1) A justice of the supreme court shall receive an annual salary of  
14 one hundred sixty-two thousand, one hundred dollars, effective April 1,  
15 2005; an annual salary of one hundred sixty-five thousand, two hundred  
16 dollars, effective April 1, 2006; an annual salary of one hundred  
17 sixty-nine thousand, three hundred dollars, effective April 1, 2008; and  
18 effective April 1, 2009 and April 1, 2010, respectively, an annual sala-  
19 ry equaling that of a judge of the United States district court on such  
20 dates.

21 (2) Commencing April 1, 2005, the following judges and justices shall  
22 receive an annual salary equaling that of a justice of the supreme court  
23 plus a percentage thereof, as set forth herein:

24 (i) chief judge of the court of appeals, fourteen and twelve one  
25 hundredths percent;

26 (ii) associate judges and justices of the court of appeals, ten and  
27 sixty-one one hundredths percent;

28 (iii) presiding justices of the appellate division, seven and ninety-  
29 seven one hundredths percent;

30 (iv) associate justices of the appellate division, the presiding judge  
31 of the court of claims and judges and justices who are designated deputy  
32 chief administrative judges, five and thirty-four one hundredths  
33 percent;

34 (v) presiding justices of the appellate term, judges who are desig-  
35 nated deputy or assistant administrative judges within the city of New  
36 York and judges or justices who are designated administrative judges for  
37 a judicial district or county outside the city of New York, three and  
38 fifty-one one hundredths percent;

39 (vi) associate justices of the appellate term, two and nineteen one  
40 hundredths percent; and

41 (vii) judges of the court of claims, no additional percentage.

42 (3) Commencing April 1, 2005, the following judges shall receive an  
43 annual salary equaling a percentage of that of a justice of the supreme  
44 court, as set forth herein:

45 (i) judges of the county court, judges of the family court and judges  
46 of the surrogate's court, ninety-five percent;

47 (ii) judges of the New York city civil court, judges of the New York  
48 city criminal court and judges of the district court, ninety-three  
49 percent; and

50 (iii) judges of a city court outside the city of New York who are not  
51 permitted to practice law, ninety percent.

52 Notwithstanding the foregoing, any judge specified in subparagraph (i)  
53 of this paragraph, in an office that on March 31, 2005 was paid an annu-

## LEGISLATURE AND JUDICIARY 2010-11

1 al salary that was more than ninety-five percent of the annual salary  
 2 paid a justice of the supreme court on such date, shall receive an annu-  
 3 al salary equaling an amount bearing the same proportion to the salary  
 4 of a justice of the supreme court as the annual salary of his or her  
 5 office bore to the salary of a justice of the supreme court on March 31,  
 6 2005. In the event a new judgeship is established for a county court,  
 7 family court or surrogate's court on a date after March 31, 2005, the  
 8 annual salary for such office shall equal the annual salary for each  
 9 other judgeship already established for such court on such date.

10 (4) (i) Commencing April 1, 2005, each judge of a city court who is  
 11 permitted to practice law shall receive an annual salary equaling an  
 12 amount bearing the same proportion to the salary of the lowest-paid  
 13 judge of a city court who is not permitted to practice law as the salary  
 14 of his or her office on March 31, 2005 bore to the salary of such  
 15 lowest-paid judge on such day; except that, effective April 1, 2007,  
 16 each judge of a city court outside the city of New York who is permitted  
 17 to practice law shall receive an annual salary equaling an amount bear-  
 18 ing the same proportion to the salary of the lowest-paid judge of a city  
 19 court who is not permitted to practice law as the salary of his or her  
 20 office on April 1, 2007 bears to the salary for such lowest-paid judge  
 21 on such date pursuant to the provisions of chapter 493 of the laws of  
 22 2006.

23 (ii) In the event a new judgeship is established for a city court  
 24 outside the city of New York after March 31, 2007, and the person who  
 25 holds such office is permitted to practice law, the annual salary for  
 26 such office on the date of its establishment shall be as provided by  
 27 law. Thereafter, the annual salary of such office shall be as provided  
 28 in subparagraph (i) of this paragraph except that, for purposes of such  
 29 subparagraph (i), the date on which such office was established shall be  
 30 substituted for the date specified therein.

31 (5) Commencing April 1, 2005 and notwithstanding any other provision  
 32 of this section, the annual salaries of each of the following judges, as  
 33 specified in paragraph three of this subdivision, shall be increased by  
 34 the amounts specified in this subparagraph:

35 (i) each chief judge of a city court outside the city of New York who  
 36 is not permitted to practice law, an amount equal to one and five one  
 37 hundredths percent of his or her annual salary as provided by law; and

38 (ii) each president of the board of judges of a district court, an  
 39 amount equal to three and forty-two one hundredths percent of his or her  
 40 annual salary as provided by law.

41 (6) Commencing April 1, 2005, the annual salary of a housing judge of  
 42 the New York city civil court shall equal an amount representing nine-  
 43 ty-five percent of the annual salary of a judge of such court as  
 44 provided in subparagraph (ii) of paragraph three hereof.

45 For services and expenses including travel outside the  
 46 state and the payment of liabilities incurred prior to  
 47 April 1, 2010 in accordance with the following schedule:

48 STATE OPERATIONS AND AID TO LOCALITIES 2010-11		
49	APPROPRIATIONS	REAPPROPRIATIONS
50	General Fund - State and Local .....	2,437,295,285 74,800,000

LEGISLATURE AND JUDICIARY 2010-11

1	Special Revenue Funds - Federal ....	9,100,000	20,790,000
2	Special Revenue Funds - Other .....	262,906,355	22,500,000
3			
4	All Funds .....	2,709,301,640	118,090,000
5		=====	=====

JUDICIARY BUDGET SUMMARY OF NEW APPROPRIATIONS

7		State	Aid to	Capital	
8	Fund Type	Operations	Localities	Projects	Total
9					
10	GF-St/Local	2,432,295,285	5,000,000	0	2,437,295,285
11	SR-Federal	9,100,000	0	0	9,100,000
12	SR-Other	139,353,071	123,553,284	0	262,906,355
13					
14	All Funds	2,580,748,356	128,553,284	0	2,709,301,640
15		=====	=====	=====	=====

SCHEDULE

17 COURTS OF ORIGINAL JURISDICTION ..... 1,655,694,641

19 General Fund / State Operations  
20 State Purposes Account - 003

PERSONAL SERVICE

22 Personal service - regular ..... 1,329,746,390  
23 Personal service - temporary ..... 14,625,886  
24 Personal service - holiday / overtime  
25 compensation ..... 37,580,216  
26  
27 Amount available for personal service .... 1,381,952,492  
28

NONPERSONAL SERVICE

30 Supplies and Materials ..... 29,026,744  
31 Travel ..... 5,249,558  
32 Contractual Services ..... 169,464,770  
33 Equipment ..... 9,049,851  
34  
35 Amount available for nonpersonal service ... 212,790,923  
36

MAINTENANCE UNDISTRIBUTED

38 For services and expenses including travel  
39 outside the state and the payment of  
40 liabilities incurred prior to April 1,  
41 2010 ..... 5,100,885  
42



## LEGISLATURE AND JUDICIARY 2010-11

1	Program account subtotal .....	1,599,844,300
2		-----
3	Special Revenue Funds - Other / State Operations	
4	New York City County Clerks' Operations Offset Fund - 368	
5	For services and expenses as provided by	
6	section 94-a of the state finance law.	
7		
	PERSONAL SERVICE	
8	Personal service - regular .....	19,818,877
9	Personal service - temporary .....	1,732,143
10	Personal service - holiday / overtime	
11	compensation .....	45,067
12		-----
13	Amount available for personal service .....	21,596,087
14		-----
15		
	NONPERSONAL SERVICE	
16	Supplies and Materials .....	237,271
17	Travel .....	7,500
18	Contractual Services .....	3,468,493
19		-----
20	Amount available for nonpersonal service .....	3,713,264
21		-----
22	Program fund subtotal .....	25,309,351
23		-----
24	Special Revenue Funds - Other / State Operations	
25	Judiciary Data Processing Offset Fund - 369	
26	For services and expenses as provided by	
27	section 94-b of the state finance law.	
28		
	PERSONAL SERVICE	
29	Personal service - regular .....	17,779,914
30	Personal service - temporary .....	1,278,057
31	Personal service - holiday / overtime	
32	compensation .....	109,726
33		-----
34	Program fund subtotal .....	19,167,697
35		-----
36	Special Revenue Funds - Other / State Operations	
37	Court Facilities Incentive Aid Fund - 340	
38		
	PERSONAL SERVICE	
39	Personal service - regular .....	770,521
40	Personal service - holiday / overtime	
41	compensation .....	2,772



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LEGISLATURE AND JUDICIARY 2010-11

1 .....  
2 Program fund subtotal ..... 773,293  
3 .....  
4 Special Revenue Funds - Federal / State Operations  
5 Federal Operating Grants Fund - 290  
6 Federal Miscellaneous Grants (Operating) Account  
7  
8 MAINTENANCE UNDISTRIBUTED  
8 For services and expenses including travel  
9 outside the state and the payment of  
10 liabilities incurred prior to April 1,  
11 2010 ..... 6,500,000  
12 .....  
13 Program account subtotal ..... 6,500,000  
14 .....  
15 Special Revenue Funds - Federal / State Operations  
16 Federal Grants - Health and Human Services - 265  
17  
18 MAINTENANCE UNDISTRIBUTED  
18 For services and expenses including travel  
19 outside the state and the payment of  
20 liabilities incurred prior to April 1,  
21 2010 ..... 2,600,000  
22 .....  
23 Program account subtotal ..... 2,600,000  
24 .....  
25 Special Revenue Funds - Other / State Operations  
26 Miscellaneous Special Revenue Fund - 339  
27  
28 MAINTENANCE UNDISTRIBUTED  
28 For services and expenses including travel  
29 outside the state and the payment of  
30 liabilities incurred prior to April 1,  
31 2010 ..... 1,500,000  
32 .....  
33 Program fund subtotal ..... 1,500,000  
34 .....  
35 COURT OF APPEALS AND LAW REPORTING BUREAU ..... 16,269,002  
36 .....  
37 General Fund / State Operations  
38 State Purposes Account - 003



## LEGISLATURE AND JUDICIARY 2010-11

## 1 PERSONAL SERVICE

2 Personal service - regular ..... 12,948,970  
 3 Personal service - temporary ..... 140,162  
 4 Personal service - holiday / overtime  
 5 compensation ..... 82,789  
 6 .....  
 7 Amount available for personal service ..... 13,171,921  
 8 .....

## 9 NONPERSONAL SERVICE

10 Supplies and Materials ..... 997,420  
 11 Travel ..... 444,338  
 12 Contractual Services ..... 1,605,323  
 13 Equipment ..... 50,000  
 14 .....  
 15 Amount available for nonpersonal service ..... 3,097,081  
 16 .....  
 17 Program account subtotal ..... 16,269,002  
 18 .....

19 APPELLATE COURT OPERATIONS ..... 77,634,262  
 20 .....

21 General Fund / State Operations  
 22 State Purposes Account - 003

## 23 PERSONAL SERVICE

24 Personal service - regular ..... 69,953,543  
 25 Personal service - temporary ..... 1,357,549  
 26 Personal service - holiday / overtime  
 27 compensation ..... 225,930  
 28 .....  
 29 Amount available for personal service ..... 71,537,022  
 30 .....

## 31 NONPERSONAL SERVICE

32 Supplies and Materials ..... 2,552,813  
 33 Travel ..... 533,475  
 34 Contractual Services ..... 2,660,952  
 35 Equipment ..... 350,000  
 36 .....  
 37 Amount available for nonpersonal service ..... 6,097,240  
 38 .....  
 39 Program account subtotal ..... 77,634,262  
 40 .....

41 APPELLATE AUXILIARY OPERATIONS ..... 182,822,553  
 42 .....

43 General Fund / State Operations





## LEGISLATURE AND JUDICIARY 2010-11

1 State Purposes Account - 003

2 PERSONAL SERVICE

3 Personal service - regular ..... 26,758,584

4 Personal service - temporary ..... 906,826

5 Personal service - holiday / overtime

6 compensation ..... 1,500

7 .....

8 Amount available for personal service ..... 27,666,910

9 .....

10 NONPERSONAL SERVICE

11 Supplies and Materials ..... 332,563

12 Travel ..... 537,595

13 Contractual Services ..... 106,322,141

14 .....

15 Amount available for nonpersonal service ... 107,192,299

16 .....

17 Program account subtotal ..... 134,859,209

18 .....

19 Special Revenue Funds - Other / State Operations

20 Attorney Licensing Fund

21 For services and expenses funded from fees

22 required pursuant to section 468-a of the

23 judiciary law.

24 PERSONAL SERVICE

25 Personal service - regular ..... 16,169,387

26 Personal service - temporary ..... 563,616

27 Personal service - holiday / overtime

28 compensation ..... 17,750

29 .....

30 Amount available for personal service ..... 16,750,753

31 .....

32 NONPERSONAL SERVICE

33 Supplies and Materials ..... 365,460

34 Travel ..... 154,163

35 Contractual Services ..... 5,692,968

36 .....

37 Amount available for nonpersonal service ..... 6,212,591

38 .....

39 Program fund subtotal ..... 22,963,344

40 .....

41 Special Revenue Funds - Other / State Operations

42 Indigent Legal Services Fund - 390

## LEGISLATURE AND JUDICIARY 2010-11

1 For services and expenses as provided by  
2 section 98-b of the state finance law.

## 3 NONPERSONAL SERVICE

4 Contractual Services ..... 25,000,000  
5 .....  
6 Program fund subtotal ..... 25,000,000  
7 .....

8 ADMINISTRATION AND GENERAL SUPPORT ..... 21,193,175  
9 .....

10 General Fund / State Operations  
11 State Purposes Account - 003

## 12 PERSONAL SERVICE

13 Personal service - regular ..... 13,670,527  
14 Personal service - temporary ..... 2,511,697  
15 Personal service - holiday / overtime  
16 compensation ..... 15,675  
17 .....  
18 Amount available for personal service ..... 16,197,899  
19 .....

## 20 NONPERSONAL SERVICE

21 Supplies and Materials ..... 186,259  
22 Travel ..... 488,292  
23 Contractual Services ..... 1,153,028  
24 .....  
25 Amount available for nonpersonal service ..... 1,827,579  
26 .....  
27 Program account subtotal ..... 18,025,478  
28 .....

29 Special Revenue Funds - Other / State Operations  
30 Court Facilities Incentive Aid Fund - 340

## 31 PERSONAL SERVICE

32 Personal service - regular ..... 640,393  
33 Personal service - temporary ..... 494,441  
34 .....  
35 Amount available for personal service ..... 1,134,834  
36 .....

## 37 NONPERSONAL SERVICE

38 Supplies and Materials ..... 4,000  
39 Travel ..... 7,500  
40 Contractual Services ..... 601,250  
41 .....



## LEGISLATURE AND JUDICIARY 2010-11

1	Amount available for nonpersonal service .....	612,750
2	.....	
3	Program fund subtotal .....	1,747,584
4	.....	
5	Special Revenue Funds - Other / State Operations	
6	Attorney Licensing Fund	
7	For services and expenses funded from fees	
8	required pursuant to section 468-a of the	
9	judiciary law.	
10	PERSONAL SERVICE	
11	Personal service - regular .....	560,657
12	Personal service - temporary .....	257,047
13	Personal service - holiday / overtime	
14	compensation .....	28,000
15	.....	
16	Amount available for personal service .....	845,704
17	.....	
18	NONPERSONAL SERVICE	
19	Supplies and Materials .....	24,087
20	Travel .....	3,240
21	Contractual Services .....	547,082
22	.....	
23	Amount available for nonpersonal service .....	574,409
24	.....	
25	Program fund subtotal .....	1,420,113
26	.....	
27	JUDICIARY-WIDE MAINTENANCE UNDISTRIBUTED .....	9,875,005
28	.....	
29	General Fund / State Operations	
30	State Purposes Account - 003	
31	PERSONAL SERVICE	
32	Personal service - regular .....	6,000,000
33	Personal service - temporary .....	411,538
34	.....	
35	Amount available for personal service .....	6,411,538
36	.....	
37	NONPERSONAL SERVICE	
38	Supplies and Materials .....	6,500
39	Travel .....	13,000
40	Contractual Services .....	1,511,728
41	.....	

LEGISLATURE AND JUDICIARY 2010-11

1 Amount available for nonpersonal service ..... 1,531,228  
 2 .....  
 3 Program account subtotal ..... 7,942,766  
 4 .....  
 5 Special Revenue Funds - Other / State Operations  
 6 Attorney Licensing Fund  
 7 For services and expenses funded from fees  
 8 required pursuant to section 468-a of the  
 9 judiciary law.

10 PERSONAL SERVICE

11 Personal service - regular ..... 408,632  
 12 Personal service - temporary ..... 1,000,816  
 13 .....  
 14 Amount available for personal service ..... 1,409,448  
 15 .....

16 NONPERSONAL SERVICE

17 Supplies and Materials ..... 16,403  
 18 Travel ..... 24,243  
 19 Contractual Services ..... 482,145  
 20 .....  
 21 Amount available for nonpersonal service ..... 522,791  
 22 .....  
 23 Program fund subtotal ..... 1,932,239  
 24 .....

25 GENERAL STATE CHARGES ..... 604,315,437  
 26 .....

27 General Fund / State Operations  
 28 State Purposes Account - 003

29 NONPERSONAL SERVICE

30 For Fringe Benefits ..... 577,720,268  
 31 .....  
 32 Program account subtotal ..... 577,720,268  
 33 .....

34 Special Revenue Funds - Other / State Operations  
 35 Attorney Licensing Fund

36 NONPERSONAL SERVICE

37 For Fringe Benefits ..... 7,198,294  
 38 .....  
 39 Program fund subtotal ..... 7,198,294  
 40 .....



LEGISLATURE AND JUDICIARY 2010-11

1 Special Revenue Funds - Other / State Operations  
2 Court Facilities Incentive Aid Fund - 340

3 NONPERSONAL SERVICE

4 For Fringe Benefits ..... 744,651  
5 .....  
6 Program fund subtotal ..... 744,651  
7 .....

8 Special Revenue Funds - Other / State Operations  
9 Lawyers' Fund for Client Protection of the State of New York - 306

10 NONPERSONAL SERVICE

11 For Fringe Benefits ..... 98,000  
12 .....  
13 Program fund subtotal ..... 98,000  
14 .....

15 Special Revenue Funds - Other / State Operations  
16 New York City County Clerks' Operations Offset Fund - 368

17 NONPERSONAL SERVICE

18 For Fringe Benefits ..... 11,386,957  
19 .....  
20 Program fund subtotal ..... 11,386,957  
21 .....

22 Special Revenue Funds - Other / State Operations  
23 Judiciary Data Processing Offset Fund - 369

24 NONPERSONAL SERVICE

25 For Fringe Benefits ..... 7,167,267  
26 .....  
27 Program fund subtotal ..... 7,167,267  
28 .....

29 LAWYERS' CLIENT PROTECTION ..... 12,944,281  
30 .....

31 Special Revenue Funds - Other / State Operations  
32 Lawyers' Fund for Client Protection of the State of New York - 306

33 For expenses associated with the operation  
34 of the Lawyers' Fund for Client Protection  
35 of the State of New York; provided that,  
36 notwithstanding any other provision of law  
37 to the contrary, and in accordance with  
38 section 4 of the state finance law, the  
39 state comptroller is hereby authorized and  
40 directed to transfer, upon the request of



## LEGISLATURE AND JUDICIARY 2010-11

1 the chief administrator of the courts, up  
 2 to \$3,750,000 from the Special Revenue  
 3 Funds - Other/State Operations Attorney  
 4 Licensing Fund to the Lawyers' Fund for  
 5 Client Protection of the State of New York  
 6 on or before March 31, 2011.

## 7 PERSONAL SERVICE

8 Personal service - regular ..... 736,281  
 9 Personal service - temporary ..... 10,000  
 10 .....  
 11 Amount available for personal service ..... 746,281  
 12 .....

## 13 NONPERSONAL SERVICE

14 Supplies and Materials ..... 15,000  
 15 Travel ..... 25,000  
 16 Contractual Services ..... 12,154,000  
 17 Equipment ..... 4,000  
 18 .....  
 19 Amount available for nonpersonal service .... 12,198,000  
 20 .....  
 21 Program fund subtotal ..... 12,944,281  
 22 .....

23 AID TO LOCALITIES ..... 128,553,284  
 24 .....

25 General Fund / Aid to Localities  
 26 Local Assistance Account - 001

## 27 MAINTENANCE UNDISTRIBUTED

28 For services and expenses associated with  
 29 the justice court assistance program ..... 5,000,000  
 30 .....  
 31 Program account subtotal ..... 5,000,000  
 32 .....

33 Special Revenue Funds - Other / Aid to Localities  
 34 Court Facilities Incentive Aid Fund - 340

35 For expenses necessary to implement the  
 36 provisions of law relating to the furnish-  
 37 ing of court facilities and the provisions  
 38 of section 219-a of the judiciary law;  
 39 provided that, notwithstanding any other  
 40 provision of law to the contrary, and in  
 41 accordance with section 4 of the state  
 42 finance law, where moneys in the court  
 43 facilities incentive aid fund, including  
 44 such moneys as may be transferred thereto



LEGISLATURE AND JUDICIARY 2010-11

1 pursuant to subdivision 6 of section 94 of  
 2 the state finance law, are insufficient to  
 3 meet vouchers presented for payment  
 4 charged to this appropriation or for  
 5 transfers made pursuant to paragraph (b)  
 6 of subdivision 2 of such section, the  
 7 state comptroller is hereby authorized and  
 8 directed to transfer, upon the request of  
 9 the chief administrator of the courts,  
 10 sufficient moneys to meet such vouchers or  
 11 to permit such transfers, not exceeding  
 12 \$50,000,000 from the General Fund to the  
 13 Court Facilities Incentive Aid Fund on or  
 14 before March 31, 2011.

15 MAINTENANCE UNDISTRIBUTED

16 For services and expenses associated with  
 17 the court facilities incentive aid program  
 18 ..... 123,553,284  
 19 .....  
 20 Program fund subtotal ..... 123,553,284  
 21 .....



LEGISLATURE AND JUDICIARY 2010-11

1 NEW YORK INTEREST ON LAWYER ACCOUNTS 2010-2011

2 For expenses in accordance with the following schedule:

3 APPROPRIATIONS

4	General Fund - State and Local .....	15,000,000
5		-----
6	All Funds .....	15,000,000
7		=====

8 JUDICIARY BUDGET SUMMARY OF NEW APPROPRIATIONS (SUPPLEMENTAL)

9	Fund Type	State Operations	Aid to Localities	Capital Projects	Total
10					
11					
12	GF-State/Local	0	15,000,000	0	15,000,000
13					
14	All Funds	0	15,000,000	0	15,000,000
15					

16 SCHEDULE

17 IOLA SUPPORT ..... 15,000,000  
18 .....

19 General Fund / Aid to Localities  
20 Local Assistance Account - 001

21 For suballocation to the Board of Trustees of the New York  
22 Interest on Lawyer Account (IOLA) Fund, at the direction  
23 of the chief administrator of the courts, for services  
24 and expenses associated with operation of section 97-v  
25 of the state finance law, as added by chapter 659 of the  
26 laws of 1983; provided, however, such direction shall be  
27 given not later than thirty days after the effective  
28 date of this act.

29 MAINTENANCE UNDISTRIBUTED

30 For services and expenses in relation to  
31 IOLA ..... 15,000,000  
32 .....

33 Program account subtotal ..... 15,000,000  
34 .....





LEGISLATURE AND JUDICIARY 2010-11

1 REAPPROPRIATIONS

2 § 3. The several amounts named in this section, or so much thereof as  
3 shall be sufficient to accomplish the purposes designated, being the  
4 unexpended balances of a prior year's appropriation, are hereby reappro-  
5 priated from the same funds and made available for the same purposes as  
6 the prior year's appropriation, unless amended herein, for the state  
7 fiscal year beginning April 1, 2010.

8 THE JUDICIARY

9 STATE OPERATIONS AND AID TO LOCALITIES - REAPPROPRIATIONS 2010-11

10 SCHEDULE

11 COURTS OF ORIGINAL JURISDICTION

12 General Fund / State Operations  
13 State Purposes Account - 003

14 By chapter 51, section 2, of the laws of 2009:  
15 Personal service-regular ... 1,267,117,501 ..... (re. \$15,000,000)

16 Special Revenue Funds - Federal / State Operations  
17 Federal Operating Grants Fund - 290  
18 Federal Miscellaneous Grants (Operating) Account

19 By chapter 51, section 2, of the laws of 2009:  
20 For services and expenses including travel outside the state and the  
21 payment of liabilities incurred prior to April 1, 2009 .....  
22 6,500,000 ..... (re. \$6,500,000)

23 By chapter 51, section 2, of the laws of 2008, as reappropriated by  
24 chapter 51, section 3, of the laws of 2009:  
25 For services and expenses including travel outside the state and the  
26 payment of liabilities incurred prior to April 1, 2008 .....  
27 8,000,000 ..... (re. \$7,500,000)

28 By chapter 51, section 2, of the laws of 2007, as reappropriated by  
29 chapter 51, section 3, of the laws of 2009:  
30 For services and expenses of drug court operations .....  
31 3,000,000 ..... (re. \$300,000)  
32 Maintenance Undistributed ... 4,800,000 ..... (re. \$2,000,000)

33 By chapter 51, section 2, of the laws of 2006, as reappropriated by  
34 chapter 51, section 3, of the laws of 2009:  
35 For services and expenses of drug court operations .....  
36 3,000,000 ..... (re. \$200,000)  
37 Maintenance Undistributed ... 3,500,000 ..... (re. \$300,000)

38 By chapter 51, section 2, of the laws of 2005, as reappropriated by  
39 chapter 51, section 3, of the laws of 2009:  
40 For services and expenses of drug court operations .....  
41 4,000,000 ..... (re. \$350,000)  
42 Maintenance Undistributed ... 3,500,000 ..... (re. \$40,000)



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1 Special Revenue Funds - Federal / State Operations  
2 Federal Health and Human Services - 265

3 By chapter 51, section 2, of the laws of 2009:  
4 For services and expenses including travel outside the state and the  
5 payment of liabilities incurred prior to April 1, 2009 .....  
6 2,600,000 ..... (re. \$2,600,000)

7 By chapter 51, section 2, of the laws of 2008, as reappropriated by  
8 chapter 51, section 3, of the laws of 2009:  
9 For services and expenses including travel outside the state and the  
10 payment of liabilities incurred prior to April 1, 2008 .....  
11 1,100,000 ..... (re. \$1,000,000)

12 Special Revenue Funds - Other / State Operations  
13 Miscellaneous Special Revenue Fund - 339

14 By chapter 51, section 2, of the laws of 2009:  
15 For services and expenses including travel outside the state and the  
16 payment of liabilities incurred prior to April 1, 2009 .....  
17 1,500,000 ..... (re. \$1,500,000)

18 By chapter 51, section 2, of the laws of 2008, as reappropriated by  
19 chapter 51, section 3, of the laws of 2009:  
20 For services and expenses including travel outside the state and the  
21 payment of liabilities incurred prior to April 1, 2008 .....  
22 1,500,000 ..... (re. \$1,000,000)

23 JUDICIARY-WIDE MAINTENANCE UNDISTRIBUTED

24 General Fund / State Operations  
25 State Purposes Account - 003

26 By chapter 51, section 2, of the laws of 2008, as reappropriated and  
27 amended by chapter 51, section 3, of the laws of 2009:  
28 For expenses necessary to fund adjustments in the compensation of  
29 state-paid judges and justices of the unified court system and hous-  
30 ing judges of the New York city civil court, and for such other  
31 services and expenses specified in section two of this act.  
32 Personal service - regular ... 51,006,759 ..... (re. \$48,000,000)

33 By chapter 276, section 10, of the laws of 2008, as reappropriated by  
34 chapter 51, section 3, of the laws of 2009:  
35 The sum of one hundred sixty-three million dollars (\$163,000,000), or  
36 so much thereof as may be necessary, is hereby appropriated out of  
37 any moneys in the state treasury in the general fund to the credit  
38 of the state purposes account, not otherwise appropriated, and made  
39 immediately available to the administrative office of the courts for  
40 payment pursuant to the provisions of this act; provided, however,  
41 where the provisions of this act require expenditures that must be  
42 paid from appropriations from funds of the state other than the  
43 general fund or that, by established administrative practice, are  
44 paid from such funds, the chief administrator of the courts shall so  
45 certify to the comptroller, and thereupon the appropriation provided



LEGISLATURE AND JUDICIARY 2010-11

1 in this section shall be available for such expenditures .....  
2 163,000,000 ..... (re. \$11,800,000)

3 COURT FACILITIES INCENTIVE AID

4 Special Revenue Funds - Other / Aid to Localities  
5 Court Facilities Incentive Aid Fund - 340

6 By chapter 51, section 2, of the laws of 2009:

7 For expenses necessary to implement provisions of law relating to the  
8 furnishing of court facilities and the provisions of section 219-a  
9 of the judiciary law; provided that, notwithstanding any other  
10 provision of law to the contrary, and in accordance with section 4  
11 of the state finance law, where monies in the court facilities  
12 incentive aid fund, including such monies as may be transferred  
13 thereto pursuant to subdivision 6 of section 94 of the state finance  
14 law, are insufficient to meet vouchers presented for payment charged  
15 to this appropriation or for transfers made pursuant to paragraph  
16 (b) of subdivision 2 of such section, the state comptroller is here-  
17 by authorized and directed to transfer, upon the request of the  
18 chief administrator of the courts, sufficient moneys to meet such  
19 vouchers or to permit such transfers, not exceeding \$50,000,000 from  
20 the General Fund to the Court Facilities Incentive Aid Fund on or  
21 before March 31, 2010.

22 Grants ... 123,553,284 ..... (re. \$20,000,000)

23 Total reappropriations for state operations and aid to  
24 localities ..... 118,090,000  
25 =====

26 CAPITAL PROJECTS - REAPPROPRIATIONS 2010-11

27 COURTHOUSE IMPROVEMENTS (CCP)

28 Capital Projects Fund

29 Preservation of Facilities Purpose

30 By chapter 51, section 2, of the laws of 2007, as reappropriated by  
31 chapter 51, section 3, of the laws of 2009:

32 For expenses associated with improvements in the Court of Appeals  
33 Centennial Hall Annex (52JT0707) .....  
34 20,000,000 ..... (re. \$20,000,000)

35 For expenses associated with the acquisition of and improvements to a  
36 training academy in Kings County for the training of court security  
37 personnel (52JT0707) ... 33,700,000 ..... (re. \$33,700,000)

38 By chapter 51, section 2, of the laws of 2007, as amended and reappro-  
39 priated by chapter 51, section 3, of the laws of 2009:

40 For expenses associated with the acquisition of and improvements to a  
41 training academy in Kings County for the training of court security  
42 personnel and for improvements in the Court of Appeals Centennial  
43 Hall Annex and the Justice Building quarters of the Appellate Divi-



LEGISLATURE AND JUDICIARY 2010-11

1 sion, Third Judicial Department (52JT0707) .....  
2 24,200,000 ..... (re. \$11,400,000)



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1 § 4. The several amounts named herein, or so much thereof as shall be  
2 sufficient to accomplish the purpose designated, being the unexpended  
3 balances of prior year's appropriations, are hereby reappropriated from  
4 the same funds and made available for the same purposes as the prior  
5 year's appropriations, unless amended herein, for the state fiscal year  
6 beginning April 1, 2010.

7 For the purpose of complying with the state finance law, the chapter,  
8 section, and year of the last act reappropriating a former original  
9 appropriation or any part thereof was, unless otherwise indicated, chap-  
10 ter 51, section 4, of the laws of 2009. Where the full text of law being  
11 continued is not shown, leader dots ... are used. However, unless a  
12 change is clearly indicated by the use of brackets [ ] for deletions and  
13 italics for additions, the purposes, amounts, funding source and all  
14 other aspects pertinent to each item of appropriation shall be as last  
15 appropriated.

16 THE LEGISLATURE

17 GENERAL FUND / STATE OPERATIONS  
18 STATE PURPOSES ACCOUNT - 003

19 THE SENATE

20 SCHEDULE

21 PERSONAL SERVICE

22 By chapter 51, section 1, of the laws of 2009:

- 23 For payment of salaries to Members, 62, pursuant to section 5 of the
- 24 legislative law ... 4,929,000 ..... (re. \$1,327,042)
- 25 For payment of allowances to members designated by the temporary pres-
- 26 ident, pursuant to the schedule of such allowances set forth in
- 27 section 5-a of the legislative law ... 1,289,500 .... (re. \$539,375)
- 28 For personal service of employees and for temporary and expert
- 29 services of members' offices and of standing committees:
- 30 Personal service-regular ... 34,500,000 ..... (re. \$14,428,359)
- 31 For personal service of employees and for temporary and expert
- 32 services for senate operations:
- 33 Personal service-regular ... 25,513,474 ..... (re. \$10,215,744)
- 34 For personal service of employees and for temporary and expert
- 35 services for the senate student program office:
- 36 Personal service-regular ... 160,000 ..... (re. \$49,046)
- 37 Temporary service ... 600,000 ..... (re. \$302,720)

38 By chapter 51, section 1, of the laws of 2008:

- 39 For payment of salaries to Members, 62, pursuant to section 5 of the
- 40 legislative law ... 4,929,000 ..... (re. \$260,411)
- 41 For payment of allowances to members designated by the temporary pres-
- 42 ident, pursuant to the schedule of such allowances set forth in
- 43 section 5-a of the legislative law ... 1,289,500 .. (re. \$1,043,625)
- 44 For personal service of employees and for temporary and expert
- 45 services of majority leader and minority leader operations:
- 46 Personal service-regular ... 13,932,104 ..... (re. \$461,130)
- 47 Temporary service ... 463,500 ..... (re. \$463,500)



## LEGISLATURE AND JUDICIARY 2010-11

1 For personal service of employees and for temporary and expert  
 2 services of members' offices and of standing committees:  
 3 Personal service-regular ... 30,490,686 ..... (re. \$1,100,027)  
 4 Temporary service ... 927,000 ..... (re. \$927,000)  
 5 For personal service of employees and for temporary and expert  
 6 services for administrative support operations:  
 7 Personal service-regular ... 17,330,265 ..... (re. \$544,954)  
 8 Temporary service ... 103,000 ..... (re. \$103,000)

## 9 NONPERSONAL SERVICE

10 By chapter 51, section 1, of the laws of 2009:

11 Non-employee services ... 40,000 ..... (re. \$40,000)  
 12 Supplies and materials ... 4,300,000 ..... (re. \$4,034,115)  
 13 Travel ... 1,600,000 ..... (re. \$1,090,144)  
 14 Rentals ... 900,000 ..... (re. \$774,010)  
 15 Equipment maintenance and repairs ... 3,450,000 ..... (re. \$3,442,243)  
 16 Office and space leases ... 3,350,000 ..... (re. \$1,375,262)  
 17 Utilities ... 400,000 ..... (re. \$241,650)  
 18 Postage and shipping ... 5,900,000 ..... (re. \$3,775,094)  
 19 Printing ... 200,000 ..... (re. \$199,790)  
 20 Telephone and telegraph ... 1,500,000 ..... (re. \$1,357,687)  
 21 Miscellaneous contractual services ... 1,500,000 ..... (re. \$660,552)  
 22 Equipment ... 2,700,000 ..... (re. \$2,469,264)

23 By chapter 51, section 1, of the laws of 2008:

24 Non-employee services ... 40,000 ..... (re. \$8,966)  
 25 Supplies and materials ... 4,300,000 ..... (re. \$1,583)  
 26 Rentals ... 1,200,000 ..... (re. \$369,732)  
 27 Equipment maintenance and repairs ... 3,450,000 ..... (re. \$1,489,803)  
 28 Office and space leases ... 3,350,000 ..... (re. \$1,839,298)  
 29 Utilities ... 400,000 ..... (re. \$154,824)  
 30 Printing ... 100,000 ..... (re. \$15,817)  
 31 Miscellaneous contractual services ... 1,500,000 ..... (re. \$86,840)

32 By chapter 51, section 1, of the laws of 2007:

33 Non-employee services ... 300,000 ..... (re. \$277,699)  
 34 Supplies and materials ... 3,000,000 ..... (re. \$562,495)  
 35 Travel ... 1,500,000 ..... (re. \$633,101)  
 36 Rentals ... 1,400,000 ..... (re. \$917,058)  
 37 Equipment maintenance and repairs ... 1,400,000 ..... (re. \$121,137)  
 38 Office and space leases ... 3,700,000 ..... (re. \$1,499,739)  
 39 Utilities ... 1,300,000 ..... (re. \$909,869)  
 40 Printing ... 200,000 ..... (re. \$28,523)  
 41 Telephone and telegraph ... 2,400,000 ..... (re. \$1,534,901)  
 42 Equipment ... 3,000,000 ..... (re. \$991,075)

## 43 THE ASSEMBLY

## 44 SCHEDULE

## 45 PERSONAL SERVICE

46 By chapter 51, section 1, of the laws of 2009:

## LEGISLATURE AND JUDICIARY 2010-11

1 For personal service of employees and for temporary and expert  
 2 services of members' offices and of standing committees and subcom-  
 3 mittees:  
 4 Personal service-regular ... 23,381,090 ..... (re. \$667,000)  
 5 Temporary service ... 2,288,275 ..... (re. \$47,000)  
 6 For personal service of employees and for temporary and expert  
 7 services for administrative and program support operations:  
 8 Personal service-regular ... 39,221,819 ..... (re. \$5,252,000)  
 9 Temporary service ... 466,269 ..... (re. \$271,000)  
 10 For the Assembly Intern and Youth Participation Program for personal  
 11 service of employees and for temporary and expert services:  
 12 Temporary service ... 713,672 ..... (re. \$74,000)

13 By chapter 51, section 1, of the laws of 1992:  
 14 Members, 150, payment of salaries pursuant to section 5 of the legis-  
 15 lative law ... 8,625,000 ..... (re. \$24,327)

## 16 NONPERSONAL SERVICE

17 By chapter 51, section 1, of the laws of 2009:  
 18 Non-employee services ... 20,000 ..... (re. \$7,000)  
 19 Supplies and materials ... 2,100,000 ..... (re. \$510,000)  
 20 Travel ... 2,750,000 ..... (re. \$514,000)  
 21 Rentals ... 700,000 ..... (re. \$111,000)  
 22 Equipment maintenance and repairs ... 800,000 ..... (re. \$372,000)  
 23 Office and space leases ... 6,450,000 ..... (re. \$5,954,000)  
 24 Postage and shipping ... 5,250,000 ..... (re. \$2,444,000)  
 25 Printing ... 40,000 ..... (re. \$11,000)  
 26 Telephone and telegraph ... 1,800,000 ..... (re. \$1,224,000)  
 27 Miscellaneous contractual services ... 1,650,000 ..... (re. \$393,000)  
 28 Equipment ... 1,355,000 ..... (re. \$355,000)

29 By chapter 51, section 1, of the laws of 2008:  
 30 Equipment ... 2,500,000 ..... (re. \$888,678)

31 By chapter 51, section 1, of the laws of 2007:  
 32 Equipment ... 2,439,000 ..... (re. \$1,891,133)

## 33 ASSEMBLY WAYS AND MEANS COMMITTEE

34 By chapter 51, section 1, of the laws of 2009:

## 35 PERSONAL SERVICE

36 Personal service-regular ... 5,344,349 ..... (re. \$500,000)  
 37 Temporary service ... 160,000 ..... (re. \$120,000)

## 38 NONPERSONAL SERVICE

39 Supplies and materials ... 190,000 ..... (re. \$190,000)  
 40 Travel ... 30,000 ..... (re. \$30,000)  
 41 Contractual services ... 115,000 ..... (re. \$91,000)  
 42 Equipment ... 50,000 ..... (re. \$50,000)



## LEGISLATURE AND JUDICIARY 2010-11

1 By chapter 51, section 1, of the laws of 2008:

2 NONPERSONAL SERVICE

3 Supplies and materials ... 190,000 ..... (re. \$44,700)  
 4 Travel ... 30,000 ..... (re. \$29,645)  
 5 Contractual services ... 115,000 ..... (re. \$22,264)  
 6 Equipment ... 50,000 ..... (re. \$50,000)

7 By chapter 51, section 1, of the laws of 2007:

8 NONPERSONAL SERVICE

9 Equipment ... 50,000 ..... (re. \$48,897)

10 SENATE AND ASSEMBLY JOINT ENTITIES  
 11 LEGISLATIVE ETHICS COMMISSION

12 By chapter 51, section 1, of the laws of 2009:

13 For services and expenses of the Legislative Ethics Commission.

14 PERSONAL SERVICE

15 Personal service-regular ... 363,090 ..... (re. \$255,296)  
 16 Temporary service ... 10,000 ..... (re. \$10,000)

17 NONPERSONAL SERVICE

18 Supplies and materials ... 5,667 ..... (re. \$1,600)  
 19 Contractual services ... 1,000 ..... (re. \$654)  
 20 Equipment ... 1,000 ..... (re. \$842)

21 By chapter 51, section 1, of the laws of 2008:

22 For services and expenses of the Legislative Ethics Commission.

23 PERSONAL SERVICE

24 Personal service-regular ... 363,090 ..... (re. \$214,059)  
 25 Temporary service ... 10,000 ..... (re. \$10,000)

26 NONPERSONAL SERVICE

27 Supplies and materials ... 5,667 ..... (re. \$178)  
 28 Contractual services ... 1,000 ..... (re. \$229)  
 29 Equipment ... 1,000 ..... (re. \$903)

30 By chapter 51, section 1, of the laws of 2007:

31 For services and expenses of the Legislative Ethics Committee.

32 PERSONAL SERVICE

33 Personal service-regular ... 352,000 ..... (re. \$192,283)  
 34 Temporary service ... 10,000 ..... (re. \$10,000)



## LEGISLATURE AND JUDICIARY 2010-11

1 By chapter 51, section 1, of the laws of 2006:  
 2 For services and expenses of the Legislative Ethics Committee ... ..  
 3 358,900 ..... (re. \$194,689)

4 By chapter 51, section 1, of the laws of 2005:  
 5 For services and expenses of the Legislative Ethics Committee ... ..  
 6 358,900 ..... (re. \$155,036)

7 By chapter 51, section 1, of the laws of 2004:  
 8 For services and expenses of the Legislative Ethics Committee ... ..  
 9 358,900 ..... (re. \$191,635)

10 By chapter 51, section 1, of the laws of 2003:  
 11 For services and expenses of the Legislative Ethics Committee ... ..  
 12 358,900 ..... (re. \$160,441)

13 By chapter 51, section 1, of the laws of 2002:  
 14 For services and expenses of the Legislative Ethics Committee ... ..  
 15 370,000 ..... (re. \$171,793)

16 By chapter 51, section 1, of the laws of 2001:  
 17 For services and expenses of the Legislative Ethics Committee ... ..  
 18 370,000 ..... (re. \$179,853)

19 By chapter 51, section 1, of the laws of 2000:  
 20 For services and expenses of the Legislative Ethics Committee ... ..  
 21 370,000 ..... (re. \$259,141)

22 By chapter 51, section 1, of the laws of 1999:  
 23 For services and expenses of the Legislative Ethics Committee ... ..  
 24 370,000 ..... (re. \$226,467)

25 By chapter 51, section 1, of the laws of 1998:  
 26 For services and expenses of the Legislative Ethics Committee ... ..  
 27 370,000 ..... (re. \$257,387)

28 By chapter 51, section 1, of the laws of 1997:  
 29 For services and expenses of the Legislative Ethics Committee ... ..  
 30 370,000 ..... (re. \$223,096)

31 By chapter 51, section 1, of the laws of 1996:  
 32 For services and expenses of the Legislative Ethics Committee ... ..  
 33 370,000 ..... (re. \$121,736)

34 By chapter 51, section 1, of the laws of 1995:  
 35 For services and expenses of the Legislative Ethics Committee ... ..  
 36 370,000 ..... (re. \$126,518)

37 By chapter 51, section 1, of the laws of 1994:  
 38 For services and expenses of the Legislative Ethics Committee ... ..  
 39 370,000 ..... (re. \$15,853)

40 By chapter 51, section 1, of the laws of 1993:



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LEGISLATURE AND JUDICIARY 2010-11

- 1 For services and expenses of the Legislative Ethics Committee ... ..
- 2 370,000 ..... (re. \$257,753)
- 3 By chapter 51, section 1, of the laws of 1992:
- 4 For services and expenses of the Legislative Ethics Committee ... ..
- 5 370,000 ..... (re. \$339,513)
- 6 By chapter 51, section 1, of the laws of 1991:
- 7 For services and expenses of the Legislative Ethics Committee ... ..
- 8 410,000 ..... (re. \$112,640)
- 9 By chapter 51, section 1, of the laws of 1990:
- 10 For services and expenses of the Legislative Ethics Committee ... ..
- 11 500,000 ..... (re. \$190,724)
- 12 By chapter 51, section 1, of the laws of 1989:
- 13 For services and expenses of the Legislative Ethics Committee ... ..
- 14 1,000,000 ..... (re. \$180,370)

LEGISLATIVE HEALTH SERVICE

- 16 By chapter 51, section 1, of the laws of 2009:
- 17 For services and expenses for the operation of the legislative health
- 18 service.

PERSONAL SERVICE

- 20 Personal service-regular ... 185,400 ..... (re. \$78,726)

NONPERSONAL SERVICE

- 22 Supplies and materials ... 26,000 ..... (re. \$17,870)
- 23 Contractual services ... 1,000 ..... (re. \$989)
- 24 Equipment ... 1,000 ..... (re. \$437)

- 25 By chapter 51, section 1, of the laws of 2008:
- 26 For services and expenses for the operation of the legislative health
- 27 service.

PERSONAL SERVICE

- 29 Personal service-regular ... 185,400 ..... (re. \$4,295)

NONPERSONAL SERVICE

- 31 Supplies and materials ... 26,000 ..... (re. \$4,792)
- 32 Contractual services ... 1,000 ..... (re. \$901)
- 33 Equipment ... 1,000 ..... (re. \$581)

- 34 By chapter 51, section 1, of the laws of 2007:
- 35 For services and expenses for the operation of the legislative health
- 36 service.



## LEGISLATURE AND JUDICIARY 2010-11

## 1 PERSONAL SERVICE

2 Personal service-regular ... 180,000 ..... (re. \$1,489)

## 3 NONPERSONAL SERVICE

4 Supplies and materials ... 13,421 ..... (re. \$11,146)

5 Contractual services ... 1,000 ..... (re. \$980)

6 Equipment ... 1,000 ..... (re. \$1,000)

7 By chapter 51, section 1, of the laws of 2003:

8 For services and expenses ... 178,838 ..... (re. \$16,975)

## 9 LEGISLATIVE LIBRARY

10 By chapter 51, section 1, of the laws of 2009:

11 For services and expenses and for temporary and special services for  
12 the operation of the legislative library.

## 13 PERSONAL SERVICE

14 Personal service-regular ... 413,484 ..... (re. \$132,991)

15 Temporary service ... 10,000 ..... (re. \$10,000)

## 16 NONPERSONAL SERVICE

17 Supplies and materials ... 250,000 ..... (re. \$138,308)

18 Contractual services ... 100,000 ..... (re. \$14,755)

19 Equipment ... 32,800 ..... (re. \$32,800)

20 By chapter 51, section 1, of the laws of 2008:

21 For services and expenses and for temporary and special services for  
22 the operation of the legislative library.

## 23 PERSONAL SERVICE

24 Personal service-regular ... 413,484 ..... (re. \$17,632)

25 Temporary service ... 10,000 ..... (re. \$10,000)

## 26 NONPERSONAL SERVICE

27 Supplies and materials ... 250,000 ..... (re. \$30,212)

28 Contractual services ... 100,000 ..... (re. \$4,080)

29 Equipment ... 32,800 ..... (re. \$32,800)

30 By chapter 51, section 1, of the laws of 2007:

31 For services and expenses and for temporary and special services for  
32 the operation of the legislative library.

## 33 PERSONAL SERVICE

34 Personal service-regular ... 390,000 ..... (re. \$11,165)



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## LEGISLATURE AND JUDICIARY 2010-11

## 1 NONPERSONAL SERVICE

2 . Supplies and materials ... 250,000 ..... (re. \$121,610)  
 3 Contractual services ... 100,000 ..... (re. \$41,692)  
 4 Equipment ... 32,800 ..... (re. \$32,800)

## 5 By chapter 51, section 1, of the laws of 2000:

6 For services and expenses and for temporary and special services  
 7 ... 734,014 ..... (re. \$302,908)

## 8 By chapter 51, section 1, of the laws of 1999:

9 For services and expenses and for temporary and special services  
 10 ... 712,635 ..... (re. \$605,956)

## 11 By chapter 51, section 1, of the laws of 1998:

12 For services and expenses and for temporary and special services  
 13 ... 691,879 ..... (re. \$374,336)

## 14 By chapter 51, section 1, of the laws of 1996:

15 For services and expenses and for temporary and special services  
 16 ... 677,317 ..... (re. \$314,443)

## 17 LEGISLATIVE MESSENGER SERVICE

## 18 By chapter 51, section 1, of the laws of 2009:

19 For services and expenses for the operation of the legislative messen-  
 20 ger service.

## 21 PERSONAL SERVICE

22 Personal service-regular ... 905,000 ..... (re. \$284,451)  
 23 Temporary service ... 10,000 ..... (re. \$10,000)

## 24 NONPERSONAL SERVICE

25 Supplies and materials ... 2,000 ..... (re. \$1,917)

## 26 By chapter 51, section 1, of the laws of 2008:

27 For services and expenses for the operation of the legislative messen-  
 28 ger service.

## 29 PERSONAL SERVICE

30 Personal service-regular ... 905,000 ..... (re. \$28,486)  
 31 Temporary service ... 10,000 ..... (re. \$10,000)

## 32 NONPERSONAL SERVICE

33 Supplies and materials ... 2,000 ..... (re. \$696)

## 34 By chapter 51, section 1, of the laws of 2007:

35 For services and expenses for the operation of the legislative messen-  
 36 ger service.



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## LEGISLATURE AND JUDICIARY 2010-11

## 1 PERSONAL SERVICE

2 Personal service-regular ... 850,000 ..... (re. \$64,837)  
 3 Temporary service ... 10,000 ..... (re. \$10,000)

## 4 NONPERSONAL SERVICE

5 Supplies and materials ... 6,106 ..... (re. \$4,613)  
 6 Equipment ... 1,000 ..... (re. \$685)

7 By chapter 51, section 1, of the laws of 2006:

8 For services and expenses ... 841,850 ..... (re. \$18,351)

9 By chapter 51, section 1, of the laws of 2005:

10 For services and expenses ... 817,330 ..... (re. \$22,465)

11 By chapter 51, section 1, of the laws of 2003:

12 For services and expenses ... 688,524 ..... (re. \$274,909)

## 13 LEGISLATIVE BILL DRAFTING COMMISSION

14 By chapter 51, section 1, of the laws of 2009:

15 For services and expenses, temporary and special services, and for  
 16 expenses of maintenance and operation, including travel outside of  
 17 the state.

## 18 PERSONAL SERVICE

19 Personal service-regular ... 10,695,644 ..... (re. \$3,940,835)  
 20 Temporary service ... 170,950 ..... (re. \$106,245)

## 21 NONPERSONAL SERVICE

22 Supplies and materials ... 335,375 ..... (re. \$299,645)  
 23 Travel ... 51,088 ..... (re. \$50,781)  
 24 Contractual services ... 1,727,437 ..... (re. \$695,594)  
 25 Equipment ... 160,397 ..... (re. \$84,562)

## 26 LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT

27 General Fund / State Operations

28 State Purposes Account - 003

29 By chapter 51, section 1, of the laws of 2009:

30 For services and expenses ... of the task force for senate  
 31 purposes.

## 32 PERSONAL SERVICE

33 Personal service-regular ... 350,542 ..... (re. \$48,732)  
 34 Temporary service ... 5,000 ..... (re. \$5,000)

## LEGISLATURE AND JUDICIARY 2010-11

## 1 NONPERSONAL SERVICE

2 Travel ... 3,000 ..... (re. \$239)  
 3 Contractual services ... 3,402 ..... (re. \$1,602)

4 For services and expenses ... of the task force for assembly  
 5 purposes.

## 6 PERSONAL SERVICE

7 Personal service-regular ... 340,542 ..... (re. \$230,000)  
 8 Temporary service ... 10,000 ..... (re. \$10,000)

## 9 NONPERSONAL SERVICE

10 Travel ... 1,000 ..... (re. \$1,000)  
 11 Contractual services ... 10,402 ..... (re. \$10,402)

12 For services and expenses ... of the task force for joint oper-  
 13 ations.

## 14 PERSONAL SERVICE

15 Personal service-regular ... 803,601 ..... (re. \$803,601)  
 16 Temporary service ... 10,000 ..... (re. \$10,000)

## 17 NONPERSONAL SERVICE

18 Supplies and materials ... 15,000 ..... (re. \$15,000)  
 19 Travel ... 5,000 ..... (re. \$5,000)  
 20 Contractual services ... 110,045 ..... (re. \$104,045)  
 21 Equipment ... 210,000 ..... (re. \$210,000)

22 By chapter 51, section 1, of the laws of 2008:

23 For services and expenses ... of the task force for senate  
 24 purposes.

## 25 PERSONAL SERVICE

26 Personal service-regular ... 350,542 ..... (re. \$24,660)  
 27 Temporary service ... 5,000 ..... (re. \$5,000)

## 28 NONPERSONAL SERVICE

29 Travel ... 3,000 ..... (re. \$260)  
 30 Contractual services ... 3,402 ..... (re. \$1,067)

31 For services and expenses ... of the task force for assembly  
 32 purposes.

## 33 PERSONAL SERVICE

34 Personal service-regular ... 340,542 ..... (re. \$210,301)  
 35 Temporary service ... 10,000 ..... (re. \$10,000)





## LEGISLATURE AND JUDICIARY 2010-11

## 1 NONPERSONAL SERVICE

2 Supplies and materials ... 15,000 ..... (re. \$14,986)  
 3 Travel ... 5,000 ..... (re. \$5,000)  
 4 Contractual services ... 110,045 ..... (re. \$110,045)  
 5 Equipment ... 210,000 ..... (re. \$210,000)

## 6 By chapter 51, section 1, of the laws of 2006:

7 For services and expenses ... of the task force for assembly  
 8 purposes ... 341,167 ..... (re. \$190,725)  
 9 For services and expenses ... of the task force for joint oper-  
 10 ations ... 1,087,422 ..... (re. \$339,315)

## 11 By chapter 51, section 1, of the laws of 2005:

12 For services and expenses ... of the task force for assembly  
 13 purposes ... 331,230 ..... (re. \$137,539)  
 14 For services and expenses ... of the task force for joint oper-  
 15 ations ... 1,055,750 ..... (re. \$330,793)

## 16 By chapter 51, section 1, of the laws of 2004:

17 For services and expenses ... of the task force for joint oper-  
 18 ations ... 1,025,000 ..... (re. \$220,000)

19 By chapter 51, section 4, of the laws of 2005, as consolidated and reap-  
 20 propriated:

21 For services and expenses ... of the task force for assembly  
 22 purposes ..... (re. \$1,335,503)

## 23 MISCELLANEOUS

## 24 SPECIAL REVENUE FUNDS - OTHER

## 25 LEGISLATIVE COMPUTER SERVICES FUND

## 26 By chapter 51, section 1, of the laws of 2009:

27 For services and expenses of the Legislative Computer Services Fund.

## 28 NONPERSONAL SERVICE

29 Contractual services ... 1,000,000 ..... (re. \$1,000,000)  
 30 Equipment ... 500,000 ..... (re. \$500,000)

## 31 By chapter 51, section 1, of the laws of 2008:

32 For services and expenses of the Legislative Computer Services Fund.

## 33 NONPERSONAL SERVICE

34 Contractual services ... 1,000,000 ..... (re. \$1,000,000)  
 35 Equipment ... 500,000 ..... (re. \$500,000)

## 36 By chapter 51, section 1, of the laws of 2007:

37 For services and expenses of the Legislative Computer Services Fund.





## LEGISLATURE AND JUDICIARY 2010-11

## 1 NONPERSONAL SERVICE

2 Equipment ... 500,000 ..... (re. \$479,834)

3 By chapter 51, section 1, of the laws of 2006:

4 For services and expenses ... 1,500,000 ..... (re. \$510,000)

5 By chapter 51, section 1, of the laws of 2005:

6 For services and expenses ... 1,500,000 ..... (re. \$457,410)

7 § 5. This act shall take effect immediately and shall be deemed to  
8 have been in full force and effect on and after April 1, 2010.

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## LEGISLATURE AND JUDICIARY 2010-11

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undersigned, am an attorney admitted to practice in the courts of New York State, and  
**200** certify that the annexed

has been compared by me with the original and found to be a true and complete copy thereof.

say that: I am the attorney of record, or of counsel with the attorney(s) of record, for  
I have read the annexed

know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters I believe them to be true. My belief, as to those matters therein not stated upon knowledge, is based upon the following:

The reason I make this affirmation instead of \_\_\_\_\_ is

affirm that the foregoing statements are true under penalties of perjury.

Dated: \_\_\_\_\_  
(Print signer's name below signature)

STATE OF NEW YORK, COUNTY OF \_\_\_\_\_  
ss:

being sworn says: I am

in the action herein; I have read the annexed  
know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters I believe them to be true.

the \_\_\_\_\_ of \_\_\_\_\_  
a corporation, one of the parties to the action; I have read the annexed  
know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters I believe them to be true.

My belief, as to those matters therein not stated upon knowledge, is based upon the following:

Sw o before me on \_\_\_\_\_, 20\_\_\_\_  
\_\_\_\_\_  
(Print signer's name below signature)

STATE OF NEW YORK, COUNTY OF \_\_\_\_\_  
ss:

being sworn says: I am not a party to the action, am over 18 years of

age and reside at

On \_\_\_\_\_, 20\_\_\_\_, I served a true copy of the annexed  
in the following manner:

by mailing the same in a sealed envelope, with postage prepaid thereon, in a post-office or official depository of the U.S. Postal Service within the State of New York, addressed to the last known address of the addressee(s) as indicated below:

by delivering the same personally to the persons and at the addresses indicated below:

sworn to before me on \_\_\_\_\_, 20\_\_\_\_  
\_\_\_\_\_  
(Print signer's name below signature)

H:\WPDat\RPernick\PinesRAff.doc

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NASSAU

-----x

EMILY PINES,  
DAVID DEMAREST,  
JEFFREY D. LEBOWITZ,  
STEPHEN FERRADINO,  
RALPH A. BONIELLO, III, and  
JOSEPH C. CALABRESE,

Index # 10-13518

Murphy, J.S.C.

REPLY AFFIRMATION

Plaintiffs,

-against-

STATE OF NEW YORK,

Defendant.

-----x

RALPH PERNICK, an attorney duly admitted to practice law before the Courts of the State of New York, and an Assistant Attorney General of the State of New York, affirms the truth of the following under penalty of perjury pursuant to CPLR § 2106.

1. I am the Assistant Attorney General assigned to represent the State of New York, the defendant in this declaratory judgment action.

2. This reply affirmation serves as the vehicle to provide this Court with the following documents:

<u>Description</u>	<u>Source</u>	<u>Exhibit</u>
L. 2010, ch. 51 (enacted budget bill for 2010-11)	New York State Legislature's official Legislative Research Service website ( <a href="http://public.leginfo.state.ny.us/menuf.cgi">http://public.leginfo.state.ny.us/menuf.cgi</a> )	C
New York State Assembly floor debate transcript of March 31, 2009 regarding Bill No. 151-A (proposed 2009-10 Judiciary Budget)	New York State Assembly Office of Counsel to the Majority	D
New York State Senate floor debate transcript of April 3, 2009 regarding Bill No. 151-A (proposed 2009-10 Judiciary Budget)	New York State Senate Legislative Counsel to the Majority	E
Status of L. 2009, ch. 51	New York State Legislature's official Legislative Research Service website ( <a href="http://public.leginfo.state.ny.us/menuf.cgi">http://public.leginfo.state.ny.us/menuf.cgi</a> )	F

October 12, 2010

  
 \_\_\_\_\_  
 Ralph Pernick

# **EXHIBIT C**

## **Enacted Budget Bill for 2010-2011**

## CHAPTER TEXT:

## LAWS OF NEW YORK, 2010

## CHAPTER 51

AN ACT making appropriations for the support of government

(LEGISLATURE AND JUDICIARY BUDGET)

Became a law July 2, 2010, with the approval of the Governor.

Passed by a majority vote, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The several amounts named in this section or so much thereof as shall be sufficient to accomplish the purposes designated by the appropriations, are hereby appropriated and authorized to be paid as hereinafter provided, to the respective public officers and for the fiscal year beginning April 1, 2010.

GENERAL FUND / STATE OPERATIONS  
STATE PURPOSES ACCOUNT - 003

## THE LEGISLATURE

## OFFICE OF THE LIEUTENANT GOVERNOR

ADMINISTRATION PROGRAM .....	274,635
	-----

## PERSONAL SERVICE

Personal service-regular .....	260,000
	-----

Amount available for personal service .....	260,000
	-----

For personal service of employees.

## NONPERSONAL SERVICE

Supplies and materials .....	14,635
	-----

Amount available for nonpersonal service .....	14,635
	-----

## THE SENATE

For services and expenses of the Senate (including liabilities incurred prior to April 1, 2010), including travel outside the state, in accordance with the following schedule .....	86,073,198
	=====

EXPLANATION--Matter in italics is new; matter in brackets [-] is old law to be omitted.

## LEGISLATURE AND JUDICIARY 2010-11

## SCHEDULE

## PERSONAL SERVICE

For payment of salaries to Members, 62, pursuant to section 5 of the legislative law .....	4,929,000
For payment of allowances to members desig- nated by the temporary president, pursuant to the schedule of such allowances set forth in section 5-a of the legislative law .....	1,289,500
For personal service of employees and for temporary and expert services of members' offices and of standing committees:	
Personal service-regular .....	28,702,765
For personal service of employees and for temporary and expert services for senate operations:	
Personal service-regular .....	25,255,762
For personal service of employees and for temporary and expert services for the senate student program office:	
Personal service-regular .....	158,384
Temporary service .....	593,939
Amount available for personal service .....	60,929,350

## NONPERSONAL SERVICE

Supplies and materials .....	4,068,485
Travel .....	1,554,141
Miscellaneous contractual services .....	16,897,989
Equipment .....	2,623,233
Amount available for nonpersonal service ..	25,143,848

## THE ASSEMBLY

For services and expenses (including liabilities incurred prior to April 1, 2010), including travel outside the state, in accordance with the following schedule .....	102,296,491
--	-------------

## SCHEDULE

## PERSONAL SERVICE

Members, 150, payment of salaries pursuant to section 5 of the legislative law .....	11,925,000
For payment of allowances to members desig- nated by the speaker pursuant to the	



## LEGISLATURE AND JUDICIARY 2010-11

provisions of section 5-a of the legisla- tive law .....	1,592,500
For personal service of employees and for temporary and expert services of members' offices and of standing committees and subcommittees:	
Personal service-regular .....	23,112,207
Temporary service .....	2,261,960
For personal service of employees and for temporary and expert services for adminis- trative and program support operations:	
Personal service-regular .....	38,770,768
Temporary service .....	460,907
For the Assembly Intern and Youth Partic- ipation Program for personal service of employees and for temporary and expert services:	
Personal service-regular .....	223,563
Temporary service .....	705,586
Amount available for personal service .....	79,052,491

## NONPERSONAL SERVICE

Supplies and materials .....	2,075,000
Travel .....	2,719,000
Miscellaneous contractual services .....	17,111,000
Equipment .....	1,339,000
Amount available for nonpersonal service .....	23,244,000

## SENATE FINANCE COMMITTEE

For services and expenses (including liabilities incurred prior to April 1, 2010), including travel outside the state, in accordance with the following schedule .....	5,830,456
--	-----------

## PERSONAL SERVICE

Personal service-regular .....	5,291,456
Temporary service .....	159,000
Amount available for personal service .....	5,450,456

## LEGISLATURE AND JUDICIARY 2010-11

## NONPERSONAL SERVICE

Supplies and materials .....	188,000
Travel .....	29,000
Contractual services .....	114,000
Equipment .....	49,000
	-----
Amount available for nonpersonal service .....	380,000
	-----

## ASSEMBLY WAYS AND MEANS COMMITTEE

For services and expenses (including liabilities incurred prior to April 1, 2010), including travel outside the state, in accordance with the following schedule .....

	5,830,456
	=====

## PERSONAL SERVICE

Personal service-regular .....	5,291,456
Temporary service .....	159,000
	-----
Amount available for personal service .....	5,450,456
	-----

## NONPERSONAL SERVICE

Supplies and materials .....	188,000
Travel .....	29,000
Contractual services .....	114,000
Equipment .....	49,000
	-----
Amount available for nonpersonal service .....	380,000
	-----

SENATE AND ASSEMBLY JOINT ENTITIES  
LEGISLATIVE ETHICS COMMISSION

For services and expenses of the Legislative Ethics Commission pursuant to section 80 of the legislative law in accordance with the following schedule .....

	376,949
	=====

## PERSONAL SERVICE

Personal service-regular .....	359,282
Temporary service .....	10,000
	-----
Amount available for personal service .....	369,282
	-----

## LEGISLATURE AND JUDICIARY 2010-11

## NONPERSONAL SERVICE

Supplies and materials .....	5,667
Contractual services .....	1,000
Equipment .....	1,000
	-----
Amount available for nonpersonal service .....	7,667
	-----

## NATIONAL CONFERENCE OF STATE LEGISLATURES

For a contribution to the National Conference of State Legislatures in accordance with the following schedule .....	377,058
	=====

## NONPERSONAL SERVICE

Supplies and materials .....	377,058
	-----
Amount available for nonpersonal service .....	377,058
	-----

## LEGISLATIVE HEALTH SERVICE

For services and expenses for the operation of the legis- lative health service in accordance with the following schedule .....	211,266
	=====

## PERSONAL SERVICE

Personal service-regular .....	183,566
	-----
Amount available for personal service .....	183,566
	-----

## NONPERSONAL SERVICE

Supplies and materials .....	25,700
Contractual services .....	1,000
Equipment .....	1,000
	-----
Amount available for nonpersonal service .....	27,700
	-----

## LEGISLATIVE LIBRARY

For services and expenses and for temporary and special services for the operation of the legislative library in accordance with the following schedule .....	798,221
	=====

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## LEGISLATURE AND JUDICIARY 2010-11

## PERSONAL SERVICE

Personal service-regular .....	409,221
Temporary service .....	10,000
	-----
Amount available for personal service .....	419,221
	-----

## NONPERSONAL SERVICE

Supplies and materials .....	247,500
Contractual services .....	99,000
Equipment .....	32,500
	-----
Amount available for nonpersonal service .....	379,000
	-----

## LEGISLATIVE MESSENGER SERVICE

For services and expenses for the operation of the legislative messenger service in accordance with the following schedule .....	907,830
	=====

## PERSONAL SERVICE

Personal service-regular .....	895,830
Temporary service .....	10,000
	-----
Amount available for personal service .....	905,830
	-----

## NONPERSONAL SERVICE

Supplies and materials .....	2,000
	-----
Amount available for nonpersonal service .....	2,000
	-----

## LEGISLATIVE BILL DRAFTING COMMISSION

For services and expenses, temporary and special services, and for expenses of maintenance and operation, including travel outside of the state, in accordance with the following schedule .....	13,009,482
	=====

## PERSONAL SERVICE

Personal service-regular .....	10,588,688
Temporary service .....	169,240
	-----
Amount available for personal service .....	10,757,928
	-----

## LEGISLATURE AND JUDICIARY 2010-11

## NONPERSONAL SERVICE

Supplies and materials .....	332,021
Travel .....	50,577
Contractual services .....	1,710,163
Equipment .....	158,793

Amount available for nonpersonal service ..... 2,251,554

## LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT

For services and expenses (including liabilities incurred prior to April 1, 2010) of the task force for senate purposes in accordance with the following schedule ..... 358,325

## PERSONAL SERVICE

Personal service-regular .....	346,923
Temporary service .....	5,000

Amount available for personal service ..... 351,923

## NONPERSONAL SERVICE

Travel .....	3,000
Contractual services .....	3,402

Amount available for nonpersonal service ..... 6,402

For services and expenses (including liabilities incurred prior to April 1, 2010) of the task force for assembly purposes in accordance with the following schedule ..... 358,325

## PERSONAL SERVICE

Personal service-regular .....	338,125
Temporary service .....	9,000

Amount available for personal service ..... 347,125

## NONPERSONAL SERVICE

Travel .....	1,000
Contractual services .....	10,200

8

## LEGISLATURE AND JUDICIARY 2010-11

Amount available for nonpersonal service ..... 11,200  
-----

For services and expenses (including liabilities incurred  
prior to April 1, 2010) of the task force for joint  
operations in accordance with the following schedule ..... 1,142,109  
-----

## PERSONAL SERVICE

Personal service-regular ..... 797,109  
Temporary service ..... 9,000  
-----

Amount available for personal service ..... 806,109  
-----

## NONPERSONAL SERVICE

Supplies and materials ..... 14,000  
Travel ..... 5,000  
Contractual services ..... 109,000  
Equipment ..... 208,000  
-----

Amount available for nonpersonal service ..... 336,000  
-----

SPECIAL REVENUE FUNDS -- OTHER  
LEGISLATIVE COMPUTER SERVICES FUND

For services and expenses of the Legislative Computer  
Services Fund in accordance with the following schedule .... 1,500,000  
-----

## NONPERSONAL SERVICE

Contractual services ..... 1,000,000  
Equipment ..... 500,000  
-----

Amount available for nonpersonal service ..... 1,500,000  
-----

SENATE RECYCLABLE MATERIALS,  
INFORMATION SERVICES AND CONFERENCE FUND

For services and expenses of the Senate Recyclable Materi-  
als, Information Services and Conference Fund in accord-  
ance with the following schedule ..... 50,000  
-----

## NONPERSONAL SERVICE

Supplies and materials ..... 50,000  
-----

## LEGISLATURE AND JUDICIARY 2010-11

Amount available for nonpersonal service ..... 50,000  
-----

ASSEMBLY RECYCLABLE MATERIALS,  
INFORMATION SERVICES AND CONFERENCE FUND

For services and expenses of the Assembly Recyclable Materials, Information Services and Conference Fund in accordance with the following schedule ..... 50,000  
-----

## NONPERSONAL SERVICE

Supplies and materials ..... 50,000  
-----

Amount available for nonpersonal service ..... 50,000  
-----

## GRANTS AND BEQUESTS FUND

## LEGISLATURE

## THE SENATE

For services and expenses relative to restoration of the Senate Chamber and other purposes as funded by non-state grants in accordance with the following schedule ..... 250,000  
-----

## NONPERSONAL SERVICE

Contractual services ..... 250,000  
-----

Amount available for nonpersonal service ..... 250,000  
-----

## THE ASSEMBLY

For services and expenses relative to restoration of the Assembly Chamber and other purposes as funded by non-state grants in accordance with the following schedule ..... 250,000  
-----

## NONPERSONAL SERVICE

Contractual services ..... 250,000  
-----

Amount available for nonpersonal service ..... 250,000  
-----

## LEGISLATURE AND JUDICIARY 2010-11

## THE JUDICIARY

§ 2. The several amounts named in this section, or so much thereof as shall be sufficient to accomplish the purposes designated by the appropriations, are hereby appropriated and authorized to be paid as hereinafter provided, to the respective public officers and for the several purposes specified, which amounts shall be available for the fiscal year beginning April 1, 2010.

For services and expenses including travel outside the state and the payment of liabilities incurred prior to April 1, 2010 in accordance with the following schedule:

## STATE OPERATIONS AND AID TO LOCALITIES 2010-11

	APPROPRIATIONS	REAPPROPRIATIONS
General Fund - State and Local .....	2,385,401,718	74,800,000
Special Revenue Funds - Federal .....	9,100,000	20,790,000
Special Revenue Funds - Other .....	261,799,922	22,500,000
	-----	-----
All Funds .....	2,656,301,640	118,090,000
	=====	=====

## JUDICIARY BUDGET SUMMARY OF NEW APPROPRIATIONS

Fund Type	State Operations	Aid to Localities	Capital Projects	Total
GF-St/Local	2,380,401,718	5,000,000	0	2,385,401,718
SR-Federal	9,100,000	0	0	9,100,000
SR-Other	138,246,638	123,553,284	0	261,799,922
	-----	-----	-----	-----
All Funds	2,527,748,356	128,553,284	0	2,656,301,641
	=====	=====	=====	=====

## SCHEDULE

COURTS OF ORIGINAL JURISDICTION .....	1,641,543,402
	-----

General Fund / State Operations  
State Purposes Account - 003

## PERSONAL SERVICE

Personal service - regular .....	1,320,595,151
Personal service - temporary .....	14,625,886
Personal service - holiday / overtime compensation .....	37,580,216
	-----
Amount available for personal service ....	1,372,801,253
	-----



## LEGISLATURE AND JUDICIARY 2010-11

## NONPERSONAL SERVICE

Supplies and Materials .....	28,195,959
Travel .....	5,187,819
Contractual Services .....	168,714,681
Equipment .....	7,349,851
	-----
Amount available for nonpersonal service ...	209,448,310
	-----

## MAINTENANCE UNDISTRIBUTED

For services and expenses including travel outside the state and the payment of liabilities incurred prior to April 1, 2010 .....	3,443,498
	-----
Program account subtotal .....	1,585,693,061
	-----

Special Revenue Funds - Other / State Operations  
New York City County Clerks' Operations Offset Fund - 368

For services and expenses as provided by  
section 94-a of the state finance law.

## PERSONAL SERVICE

Personal service - regular .....	19,818,877
Personal service - temporary .....	1,732,143
Personal service - holiday / overtime compensation .....	45,067
	-----
Amount available for personal service .....	21,596,087
	-----

## NONPERSONAL SERVICE

Supplies and Materials .....	237,271
Travel .....	7,500
Contractual Services .....	3,468,493
	-----
Amount available for nonpersonal service .....	3,713,264
	-----
Program fund subtotal .....	25,309,351
	-----

Special Revenue Funds - Other / State Operations  
Judiciary Data Processing Offset Fund - 369

For services and expenses as provided by  
section 94-b of the state finance law.

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## LEGISLATURE AND JUDICIARY 2010-11

## PERSONAL SERVICE

Personal service - regular .....	17,779,914
Personal service - temporary .....	1,278,057
Personal service - holiday / overtime compensation .....	109,726
	-----
Program fund subtotal .....	19,167,697
	-----

Special Revenue Funds - Other / State Operations  
Court Facilities Incentive Aid Fund - 340

## PERSONAL SERVICE

Personal service - regular .....	770,521
Personal service - holiday / overtime compensation .....	2,772
	-----
Program fund subtotal .....	773,293
	-----

Special Revenue Funds - Federal / State Operations  
Federal Operating Grants Fund - 290  
Federal Miscellaneous Grants (Operating) Account

## MAINTENANCE UNDISTRIBUTED

For services and expenses including travel outside the state and the payment of liabilities incurred prior to April 1, 2010 .....	6,500,000
	-----
Program account subtotal .....	6,500,000
	-----

Special Revenue Funds - Federal / State Operations  
Federal Grants - Health and Human Services - 265

## MAINTENANCE UNDISTRIBUTED

For services and expenses including travel outside the state and the payment of liabilities incurred prior to April 1, 2010 .....	2,600,000
	-----
Program account subtotal .....	2,600,000
	-----

Special Revenue Funds - Other / State Operations  
Miscellaneous Special Revenue Fund - 339

## LEGISLATURE AND JUDICIARY 2010-11

## MAINTENANCE UNDISTRIBUTED

For services and expenses including travel  
outside the state and the payment of  
liabilities incurred prior to April 1,  
2010 ..... 1,500,000  
-----  
Program fund subtotal ..... 1,500,000  
-----

COURT OF APPEALS AND LAW REPORTING BUREAU ..... 16,129,888  
-----

General Fund / State Operations  
State Purposes Account - 003

## PERSONAL SERVICE

Personal service - regular ..... 12,859,856  
Personal service - temporary ..... 140,162  
Personal service - holiday / overtime  
compensation ..... 82,789  
-----  
Amount available for personal service ..... 13,082,807  
-----

## NONPERSONAL SERVICE

Supplies and Materials ..... 997,420  
Travel ..... 444,338  
Contractual Services ..... 1,605,323  
-----  
Amount available for nonpersonal service ..... 3,047,081  
-----  
Program account subtotal ..... 16,129,888  
-----

APPELLATE COURT OPERATIONS ..... 76,802,846  
-----

General Fund / State Operations  
State Purposes Account - 003

## PERSONAL SERVICE

Personal service - regular ..... 69,472,127  
Personal service - temporary ..... 1,357,549  
Personal service - holiday / overtime  
compensation ..... 225,930  
-----  
Amount available for personal service ..... 71,055,606  
-----

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## LEGISLATURE AND JUDICIARY 2010-11

## NONPERSONAL SERVICE

Supplies and Materials .....	2,552,813
Travel .....	533,475
Contractual Services .....	2,660,952
	-----
Amount available for nonpersonal service .....	5,747,240
	-----
Program account subtotal .....	76,802,846
	-----

APPELLATE AUXILIARY OPERATIONS .....	182,638,402
	-----

General Fund / State Operations  
State Purposes Account - 003

## PERSONAL SERVICE

Personal service - regular .....	26,574,433
Personal service - temporary .....	906,826
Personal service - holiday / overtime compensation .....	1,500
	-----
Amount available for personal service .....	27,482,759
	-----

## NONPERSONAL SERVICE

Supplies and Materials .....	332,563
Travel .....	537,595
Contractual Services .....	106,322,141
	-----
Amount available for nonpersonal service ...	107,192,299
	-----
Program account subtotal .....	134,675,058
	-----

Special Revenue Funds - Other / State Operations  
Attorney Licensing Fund

For services and expenses funded from fees  
required pursuant to section 468-a of the  
judiciary law.

## PERSONAL SERVICE

Personal service - regular .....	16,169,387
Personal service - temporary .....	563,616
Personal service - holiday / overtime compensation .....	17,750
	-----
Amount available for personal service .....	16,750,753
	-----

## LEGISLATURE AND JUDICIARY 2010-11

## NONPERSONAL SERVICE

Supplies and Materials .....	365,460
Travel .....	154,163
Contractual Services .....	5,692,968
	-----
Amount available for nonpersonal service .....	6,212,591
	-----
Program fund subtotal .....	22,963,344
	-----

Special Revenue Funds - Other / State Operations  
Indigent Legal Services Fund - 390

For services and expenses as provided by  
section 98-b of the state finance law.

## NONPERSONAL SERVICE

Contractual Services .....	25,000,000
	-----
Program fund subtotal .....	25,000,000
	-----

ADMINISTRATION AND GENERAL SUPPORT .....	21,099,095
	-----

General Fund / State Operations  
State Purposes Account - 003

## PERSONAL SERVICE

Personal service - regular .....	13,576,447
Personal service - temporary .....	2,511,697
Personal service - holiday / overtime compensation .....	15,675
	-----
Amount available for personal service .....	16,103,819
	-----

## NONPERSONAL SERVICE

Supplies and Materials .....	186,259
Travel .....	488,292
Contractual Services .....	1,153,028
	-----
Amount available for nonpersonal service .....	1,827,579
	-----
Program account subtotal .....	17,931,398
	-----

Special Revenue Funds - Other / State Operations  
Court Facilities Incentive Aid Fund - 340

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## LEGISLATURE AND JUDICIARY 2010-11

## PERSONAL SERVICE

Personal service - regular .....	640,393
Personal service - temporary .....	494,441
	-----
Amount available for personal service .....	1,134,834
	-----

## NONPERSONAL SERVICE

Supplies and Materials .....	4,000
Travel .....	7,500
Contractual Services .....	601,250
	-----
Amount available for nonpersonal service .....	612,750
	-----
Program fund subtotal .....	1,747,584
	-----

Special Revenue Funds - Other / State Operations  
Attorney Licensing Fund

For services and expenses funded from fees  
required pursuant to section 468-a of the  
judiciary law.

## PERSONAL SERVICE

Personal service - regular .....	560,657
Personal service - temporary .....	257,047
Personal service - holiday / overtime compensation .....	28,000
	-----
Amount available for personal service .....	845,704
	-----

## NONPERSONAL SERVICE

Supplies and Materials .....	24,087
Travel .....	3,240
Contractual Services .....	547,082
	-----
Amount available for nonpersonal service .....	574,409
	-----
Program fund subtotal .....	1,420,113
	-----

JUDICIARY-WIDE MAINTENANCE UNDISTRIBUTED .....	9,875,005
	-----

General Fund / State Operations  
State Purposes Account - 003

## LEGISLATURE AND JUDICIARY 2010-11

## PERSONAL SERVICE

Personal service - regular .....	6,000,000
Personal service - temporary .....	411,538
	-----
Amount available for personal service .....	6,411,538
	-----

## NONPERSONAL SERVICE

Supplies and Materials .....	6,500
Travel .....	13,000
Contractual Services .....	1,511,728
	-----
Amount available for nonpersonal service .....	1,531,228
	-----
Program account subtotal .....	7,942,766
	-----

Special Revenue Funds - Other / State Operations  
Attorney Licensing Fund

For services and expenses funded from fees  
required pursuant to section 468-a of the  
judiciary law.

## PERSONAL SERVICE

Personal service - regular .....	408,632
Personal service - temporary .....	1,000,816
	-----
Amount available for personal service .....	1,409,448
	-----

## NONPERSONAL SERVICE

Supplies and Materials .....	16,403
Travel .....	24,243
Contractual Services .....	482,145
	-----
Amount available for nonpersonal service .....	522,791
	-----
Program fund subtotal .....	1,932,239
	-----

GENERAL STATE CHARGES .....	566,715,437
	-----

General Fund / State Operations  
State Purposes Account - 003

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## LEGISLATURE AND JUDICIARY 2010-11

## NONPERSONAL SERVICE

For Fringe Benefits ..... 541,226,701  
 -----  
 Program account subtotal ..... 541,226,701  
 -----

Special Revenue Funds - Other / State Operations  
 Attorney Licensing Fund

## NONPERSONAL SERVICE

For Fringe Benefits ..... 6,900,508  
 -----  
 Program fund subtotal ..... 6,900,508  
 -----

Special Revenue Funds - Other / State Operations  
 Court Facilities Incentive Aid Fund - 340

## NONPERSONAL SERVICE

For Fringe Benefits ..... 713,845  
 -----  
 Program fund subtotal ..... 713,845  
 -----

Special Revenue Funds - Other / State Operations  
 Lawyers' Fund for Client Protection of the State of New York - 306

## NONPERSONAL SERVICE

For Fringe Benefits ..... 87,731  
 -----  
 Program fund subtotal ..... 87,731  
 -----

Special Revenue Funds - Other / State Operations  
 New York City County Clerks' Operations Offset Fund - 368

## NONPERSONAL SERVICE

For Fringe Benefits ..... 10,915,889  
 -----  
 Program fund subtotal ..... 10,915,889  
 -----

Special Revenue Funds - Other / State Operations  
 Judiciary Data Processing Offset Fund - 369

## NONPERSONAL SERVICE

For Fringe Benefits ..... 6,870,763  
 -----



## LEGISLATURE AND JUDICIARY 2010-11

Program fund subtotal ..... 6,870,763  
-----

LAWYERS' CLIENT PROTECTION ..... 12,944,281  
-----

## Special Revenue Funds - Other / State Operations

Lawyers' Fund for Client Protection of the State of New York - 306

For expenses associated with the operation of the Lawyers' Fund for Client Protection of the State of New York; provided that, notwithstanding any other provision of law to the contrary, and in accordance with section 4 of the state finance law, the state comptroller is hereby authorized and directed to transfer, upon the request of the chief administrator of the courts, up to \$3,750,000 from the Special Revenue Funds - Other/State Operations Attorney Licensing Fund to the Lawyers' Fund for Client Protection of the State of New York on or before March 31, 2011.

## PERSONAL SERVICE

Personal service - regular ..... 736,281  
Personal service - temporary ..... 10,000  
-----  
Amount available for personal service ..... 746,281  
-----

## NONPERSONAL SERVICE

Supplies and Materials ..... 15,000  
Travel ..... 25,000  
Contractual Services ..... 12,154,000  
Equipment ..... 4,000  
-----  
Amount available for nonpersonal service .... 12,198,000  
-----  
Program fund subtotal ..... 12,944,281  
-----

AID TO LOCALITIES ..... 128,553,284  
-----

General Fund / Aid to Localities  
Local Assistance Account - 001

## MAINTENANCE UNDISTRIBUTED

For services and expenses associated with  
the justice court assistance program ..... 5,000,000

LEGISLATURE AND JUDICIARY 2010-11

Program account subtotal ..... 5,000,000

Special Revenue Funds - Other / Aid to Localities  
Court Facilities Incentive Aid Fund - 340

For expenses necessary to implement the provisions of law relating to the furnishing of court facilities and the provisions of section 219-a of the judiciary law; provided that, notwithstanding any other provision of law to the contrary, and in accordance with section 4 of the state finance law, where moneys in the court facilities incentive aid fund, including such moneys as may be transferred thereto pursuant to subdivision 6 of section 94 of the state finance law, are insufficient to meet vouchers presented for payment charged to this appropriation or for transfers made pursuant to paragraph (b) of subdivision 2 of such section, the state comptroller is hereby authorized and directed to transfer, upon the request of the chief administrator of the courts, sufficient moneys to meet such vouchers or to permit such transfers, not exceeding \$50,000,000 from the General Fund to the Court Facilities Incentive Aid Fund on or before March 31, 2011.

MAINTENANCE UNDISTRIBUTED

For services and expenses associated with the court facilities incentive aid program

..... 123,553,284

Program fund subtotal ..... 123,553,284

## LEGISLATURE AND JUDICIARY 2010-11

## NEW YORK INTEREST ON LAWYER ACCOUNTS 2010-2011

For expenses in accordance with the following schedule:

APPROPRIATIONS	
General Fund - State and Local .....	15,000,000
	-----
All Funds .....	15,000,000
	=====

## JUDICIARY BUDGET SUMMARY OF NEW APPROPRIATIONS (SUPPLEMENTAL)

Fund Type	State Operations	Aid to Localities	Capital Projects	Total
GF-State/Local	0	15,000,000	0	15,000,000
	-----	-----	-----	-----
All Funds	0	15,000,000	0	15,000,000
	=====	=====	=====	=====

## SCHEDULE

IOLA SUPPORT .....	15,000,000
	-----

General Fund / Aid to Localities  
Local Assistance Account - 001

For suballocation to the Board of Trustees of the New York Interest on Lawyer Account (IOLA) Fund, at the direction of the chief administrator of the courts, for services and expenses associated with operation of section 97-v of the state finance law, as added by chapter 659 of the laws of 1983; provided, however, such direction shall be given not later than thirty days after the effective date of this act.

## MAINTENANCE UNDISTRIBUTED

For services and expenses in relation to	
IOLA .....	15,000,000
	-----
Program account subtotal .....	15,000,000
	-----

## LEGISLATURE AND JUDICIARY 2010-11

## REAPPROPRIATIONS

§ 3. The several amounts named in this section, or so much thereof as shall be sufficient to accomplish the purposes designated, being the unexpended balances of a prior year's appropriation, are hereby reappropriated from the same funds and made available for the same purposes as the prior year's appropriation, unless amended herein, for the state fiscal year beginning April 1, 2010.

## THE JUDICIARY

## STATE OPERATIONS AND AID TO LOCALITIES - REAPPROPRIATIONS 2010-11

## SCHEDULE

## COURTS OF ORIGINAL JURISDICTION

General Fund / State Operations  
State Purposes Account - 003

By chapter 51, section 2, of the laws of 2009:

Personal service-regular ... 1,267,117,501 ..... (re. \$15,000,000)

Special Revenue Funds - Federal / State Operations

Federal Operating Grants Fund - 290

Federal Miscellaneous Grants (Operating) Account

By chapter 51, section 2, of the laws of 2009:

For services and expenses including travel outside the state and the  
payment of liabilities incurred prior to April 1, 2009 .....  
6,500,000 ..... (re. \$6,500,000)

By chapter 51, section 2, of the laws of 2008, as reappropriated by  
chapter 51, section 3, of the laws of 2009:

For services and expenses including travel outside the state and the  
payment of liabilities incurred prior to April 1, 2008 .....  
8,000,000 ..... (re. \$7,500,000)

By chapter 51, section 2, of the laws of 2007, as reappropriated by  
chapter 51, section 3, of the laws of 2009:

For services and expenses of drug court operations .....  
3,000,000 ..... (re. \$300,000)  
Maintenance Undistributed ... 4,800,000 ..... (re. \$2,000,000)

By chapter 51, section 2, of the laws of 2006, as reappropriated by  
chapter 51, section 3, of the laws of 2009:

For services and expenses of drug court operations .....  
3,000,000 ..... (re. \$200,000)  
Maintenance Undistributed ... 3,500,000 ..... (re. \$300,000)

By chapter 51, section 2, of the laws of 2005, as reappropriated by  
chapter 51, section 3, of the laws of 2009:

For services and expenses of drug court operations .....  
4,000,000 ..... (re. \$350,000)  
Maintenance Undistributed ... 3,500,000 ..... (re. \$40,000)

## LEGISLATURE AND JUDICIARY 2010-11

Special Revenue Funds - Federal / State Operations  
Federal Health and Human Services - 265

By chapter 51, section 2, of the laws of 2009:

For services and expenses including travel outside the state and the payment of liabilities incurred prior to April 1, 2009 .....  
2,600,000 ..... (re. \$2,600,000)

By chapter 51, section 2, of the laws of 2008, as reappropriated by chapter 51, section 3, of the laws of 2009:

For services and expenses including travel outside the state and the payment of liabilities incurred prior to April 1, 2008 .....  
1,100,000 ..... (re. \$1,000,000)

Special Revenue Funds - Other / State Operations  
Miscellaneous Special Revenue Fund - 339

By chapter 51, section 2, of the laws of 2009:

For services and expenses including travel outside the state and the payment of liabilities incurred prior to April 1, 2009 .....  
1,500,000 ..... (re. \$1,500,000)

By chapter 51, section 2, of the laws of 2008, as reappropriated by chapter 51, section 3, of the laws of 2009:

For services and expenses including travel outside the state and the payment of liabilities incurred prior to April 1, 2008 .....  
1,500,000 ..... (re. \$1,000,000)

## JUDICIARY-WIDE MAINTENANCE UNDISTRIBUTED

General Fund / State Operations  
State Purposes Account - 003

By chapter 51, section 2, of the laws of 2008, as reappropriated and amended by chapter 51, section 3, of the laws of 2009:

For expenses necessary to fund adjustments in the compensation of state-paid judges and justices of the unified court system and housing judges of the New York city civil court, and for such other services and expenses specified in section two of this act.

Personal service - regular ... 51,006,759 ..... (re. \$48,000,000)

By chapter 276, section 10, of the laws of 2008, as reappropriated by chapter 51, section 3, of the laws of 2009:

The sum of one hundred sixty-three million dollars (\$163,000,000), or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury in the general fund to the credit of the state purposes account, not otherwise appropriated, and made immediately available to the administrative office of the courts for payment pursuant to the provisions of this act; provided, however, where the provisions of this act require expenditures that must be paid from appropriations from funds of the state other than the general fund or that, by established administrative practice, are paid from such funds, the chief administrator of the courts shall so certify to the comptroller, and thereupon the appropriation provided

LEGISLATURE AND JUDICIARY 2010-11

in this section shall be available for such expenditures .....  
163,000,000 ..... (re. \$11,800,000)

COURT FACILITIES INCENTIVE AID

Special Revenue Funds - Other / Aid to Localities  
Court Facilities Incentive Aid Fund - 340

By chapter 51, section 2, of the laws of 2009:

For expenses necessary to implement provisions of law relating to the furnishing of court facilities and the provisions of section 219-a of the judiciary law; provided that, notwithstanding any other provision of law to the contrary, and in accordance with section 4 of the state finance law, where monies in the court facilities incentive aid fund, including such monies as may be transferred thereto pursuant to subdivision 6 of section 94 of the state finance law, are insufficient to meet vouchers presented for payment charged to this appropriation or for transfers made pursuant to paragraph (b) of subdivision 2 of such section, the state comptroller is hereby authorized and directed to transfer, upon the request of the chief administrator of the courts, sufficient moneys to meet such vouchers or to permit such transfers, not exceeding \$50,000,000 from the General Fund to the Court Facilities Incentive Aid Fund on or before March 31, 2010.

Grants ... 123,553,284 ..... (re. \$20,000,000)

Total reappropriations for state operations and aid to  
localities ..... 118,090,000  
=====

CAPITAL PROJECTS - REAPPROPRIATIONS 2010-11

COURTHOUSE IMPROVEMENTS (CCP)

Capital Projects Fund

Preservation of Facilities Purpose

By chapter 51, section 2, of the laws of 2007, as reappropriated by chapter 51, section 3, of the laws of 2009:

For expenses associated with improvements in the Court of Appeals Centennial Hall Annex (52JT0707) .....  
20,000,000 ..... (re. \$20,000,000)

For expenses associated with the acquisition of and improvements to a training academy in Kings County for the training of court security personnel (52JT0707) ... 33,700,000 ..... (re. \$33,700,000)

By chapter 51, section 2, of the laws of 2007, as amended and reappropriated by chapter 51, section 3, of the laws of 2009:

For expenses associated with the acquisition of and improvements to a training academy in Kings County for the training of court security personnel and for improvements in the Court of Appeals Centennial Hall Annex and the Justice Building quarters of the Appellate Divi-

LEGISLATURE AND JUDICIARY 2010-11

tion, Third Judicial Department (52JT0707) .....  
24,200,000 ..... (re. \$11,400,000)

## LEGISLATURE AND JUDICIARY 2010-11

§ 4. The several amounts named herein, or so much thereof as shall be sufficient to accomplish the purpose designated, being the unexpended balances of prior year's appropriations, are hereby reappropriated from the same funds and made available for the same purposes as the prior year's appropriations, unless amended herein, for the state fiscal year beginning April 1, 2010.

For the purpose of complying with the state finance law, the chapter, section, and year of the last act reappropriating a former original appropriation or any part thereof was, unless otherwise indicated, chapter 51, section 4, of the laws of 2009. Where the full text of law being continued is not shown, leader dots ... are used. However, unless a change is clearly indicated by the use of brackets [-] for deletions and italics for additions, the purposes, amounts, funding source and all other aspects pertinent to each item of appropriation shall be as last appropriated.

## THE LEGISLATURE

GENERAL FUND / STATE OPERATIONS  
STATE PURPOSES ACCOUNT - 003

## THE SENATE

## SCHEDULE

## PERSONAL SERVICE

By chapter 51, section 1, of the laws of 2009:

For payment of salaries to Members, 62, pursuant to section 5 of the legislative law ... 4,929,000 .....	(re. \$456,103)
For payment of allowances to members designated by the temporary president, pursuant to the schedule of such allowances set forth in section 5-a of the legislative law ... 1,289,500 ....	(re. \$539,375)
For personal service of employees and for temporary and expert services of members' offices and of standing committees:	
Personal service-regular ... 34,500,000 .....	(re. \$8,922,273)
For personal service of employees and for temporary and expert services for senate operations:	
Personal service-regular ... 25,513,474 .....	(re. \$3,092,920)
For personal service of employees and for temporary and expert services for the senate student program office:	
Personal service-regular ... 160,000 .....	(re. \$16,197)
Temporary service ... 600,000 .....	(re. \$136,553)

By chapter 51, section 1, of the laws of 2008:

For payment of allowances to members designated by the temporary president, pursuant to the schedule of such allowances set forth in section 5-a of the legislative law ... 1,289,500 ..	(re. \$1,043,625)
--	-------------------

## NONPERSONAL SERVICE

By chapter 51, section 1, of the laws of 2009:

Non-employee services ... 40,000 .....	(re. \$39,500)
Supplies and materials ... 4,300,000 .....	(re. \$3,574,281)



## LEGISLATURE AND JUDICIARY 2010-11

Travel ... 1,600,000 .....	(re. \$1,089,600)
Rentals ... 900,000 .....	(re. \$742,153)
Equipment maintenance and repairs ... 3,450,000 .....	(re. \$3,285,557)
Office and space leases ... 3,350,000 .....	(re. \$574,525)
Utilities ... 400,000 .....	(re. \$167,965)
Postage and shipping ... 5,900,000 .....	(re. \$2,337,231)
Printing ... 200,000 .....	(re. \$176,370)
Telephone and telegraph ... 1,500,000 .....	(re. \$1,357,687)
Miscellaneous contractual services ... 1,500,000 .....	(re. \$427,179)
Equipment ... 2,700,000 .....	(re. \$1,666,550)

## By chapter 51, section 1, of the laws of 2008:

Non-employee services ... 40,000 .....	(re. \$8,966)
Supplies and materials ... 4,300,000 .....	(re. \$2,904)
Rentals ... 1,200,000 .....	(re. \$369,732)
Equipment maintenance and repairs ... 3,450,000 .....	(re. \$1,489,803)
Office and space leases ... 3,350,000 .....	(re. \$1,807,798)
Utilities ... 400,000 .....	(re. \$154,559)
Printing ... 100,000 .....	(re. \$15,817)
Miscellaneous contractual services ... 1,500,000 .....	(re. \$86,840)

## By chapter 51, section 1, of the laws of 2007:

Non-employee services ... 300,000 .....	(re. \$269,805)
Travel ... 1,500,000 .....	(re. \$253,045)
Rentals ... 1,400,000 .....	(re. \$914,354)
Equipment maintenance and repairs ... 1,400,000 .....	(re. \$2,239)
Office and space leases ... 3,700,000 .....	(re. \$1,499,739)
Utilities ... 1,300,000 .....	(re. \$887,168)
Printing ... 200,000 .....	(re. \$23,240)
Telephone and telegraph ... 2,400,000 .....	(re. \$1,265,770)
Equipment ... 3,000,000 .....	(re. \$885,884)

## THE ASSEMBLY

## SCHEDULE

## PERSONAL SERVICE

## By chapter 51, section 1, of the laws of 2009:

For personal service of employees and for temporary and expert services of members' offices and of standing committees and subcommittees:	
Personal service-regular ... 23,381,090 .....	(re. \$100,000)
For personal service of employees and for temporary and expert services for administrative and program support operations:	
Personal service-regular ... 39,221,819 .....	(re. \$5,200,000)
For the Assembly Intern and Youth Participation Program for personal service of employees and for temporary and expert services:	
Temporary service ... 713,672 .....	(re. \$21,000)

## By chapter 51, section 1, of the laws of 1992:

Members, 150, payment of salaries pursuant to section 5 of the legislative law ... .. 8,625,000 .....	(re. \$24,327)
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## LEGISLATURE AND JUDICIARY 2010-11

## NONPERSONAL SERVICE

By chapter 51, section 1, of the laws of 2009:

Non-employee services ... 20,000 .....	(re. \$7,000)
Supplies and materials ... 2,100,000 .....	(re. \$800,000)
Travel ... 2,750,000 .....	(re. \$530,000)
Rentals ... 700,000 .....	(re. \$115,000)
Equipment maintenance and repairs ... 800,000 .....	(re. \$600,000)
Office and space leases ... 6,450,000 .....	(re. \$4,000,000)
Utilities ... 600,000 .....	(re. \$150,000)
Postage and shipping ... 5,250,000 .....	(re. \$3,200,000)
Printing ... 40,000 .....	(re. \$20,000)
Telephone and telegraph ... 1,800,000 .....	(re. \$1,260,000)
Miscellaneous contractual services ... 1,650,000 .....	(re. \$393,000)
Equipment ... 1,355,000 .....	(re. \$800,000)

By chapter 51, section 1, of the laws of 2008:

Equipment ... 2,500,000 .....	(re. \$806,692)
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By chapter 51, section 1, of the laws of 2007:

Equipment ... 2,439,000 .....	(re. \$1,891,133)
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## ASSEMBLY WAYS AND MEANS COMMITTEE

By chapter 51, section 1, of the laws of 2009:

## PERSONAL SERVICE

Personal service-regular ... 5,344,349 .....	(re. \$160,000)
Temporary service ... 160,000 .....	(re. \$121,000)

## NONPERSONAL SERVICE

Supplies and materials ... 190,000 .....	(re. \$190,000)
Travel ... 30,000 .....	(re. \$30,000)
Contractual services ... 115,000 .....	(re. \$91,000)
Equipment ... 50,000 .....	(re. \$50,000)

By chapter 51, section 1, of the laws of 2008:

## NONPERSONAL SERVICE

Travel ... 30,000 .....	(re. \$29,645)
Equipment ... 50,000 .....	(re. \$50,000)

By chapter 51, section 1, of the laws of 2007:

## NONPERSONAL SERVICE

Equipment ... 50,000 .....	(re. \$48,897)
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SENATE AND ASSEMBLY JOINT ENTITIES  
LEGISLATIVE ETHICS COMMISSION

## LEGISLATURE AND JUDICIARY 2010-11

By chapter 51, section 1, of the laws of 2009:

For services and expenses of the Legislative Ethics Commission.

## PERSONAL SERVICE

Personal service-regular ... 363,090 ..... (re. \$249,365)

## NONPERSONAL SERVICE

Supplies and materials ... 5,667 ..... (re. \$1,272)

Contractual services ... 1,000 ..... (re. \$654)

Equipment ... 1,000 ..... (re. \$842)

By chapter 51, section 1, of the laws of 2008:

For services and expenses of the Legislative Ethics Commission.

## PERSONAL SERVICE

Personal service-regular ... 363,090 ..... (re. \$214,059)

## NONPERSONAL SERVICE

Supplies and materials ... 5,667 ..... (re. \$178)

Contractual services ... 1,000 ..... (re. \$229)

Equipment ... 1,000 ..... (re. \$903)

By chapter 51, section 1, of the laws of 2007:

For services and expenses of the Legislative Ethics Committee.

## PERSONAL SERVICE

Personal service-regular ... 352,000 ..... (re. \$192,283)

By chapter 51, section 1, of the laws of 2006:

For services and expenses of the Legislative Ethics Committee ...  
358,900 ..... (re. \$194,689)

By chapter 51, section 1, of the laws of 2005:

For services and expenses of the Legislative Ethics Committee ...  
358,900 ..... (re. \$155,036)

By chapter 51, section 1, of the laws of 2004:

For services and expenses of the Legislative Ethics Committee ...  
358,900 ..... (re. \$191,635)

By chapter 51, section 1, of the laws of 2003:

For services and expenses of the Legislative Ethics Committee ...  
358,900 ..... (re. \$160,441)

By chapter 51, section 1, of the laws of 2002:

For services and expenses of the Legislative Ethics Committee ...  
370,000 ..... (re. \$171,793)

By chapter 51, section 1, of the laws of 2001:

## LEGISLATURE AND JUDICIARY 2010-11

For services and expenses of the Legislative Ethics Committee ... ..  
 370,000 ..... (re. \$179,853)

By chapter 51, section 1, of the laws of 2000:  
 For services and expenses of the Legislative Ethics Committee ... ..  
 370,000 ..... (re. \$259,141)

By chapter 51, section 1, of the laws of 1999:  
 For services and expenses of the Legislative Ethics Committee ... ..  
 370,000 ..... (re. \$226,467)

By chapter 51, section 1, of the laws of 1998:  
 For services and expenses of the Legislative Ethics Committee ... ..  
 370,000 ..... (re. \$257,387)

By chapter 51, section 1, of the laws of 1997:  
 For services and expenses of the Legislative Ethics Committee ... ..  
 370,000 ..... (re. \$223,096)

By chapter 51, section 1, of the laws of 1996:  
 For services and expenses of the Legislative Ethics Committee ... ..  
 370,000 ..... (re. \$121,736)

By chapter 51, section 1, of the laws of 1995:  
 For services and expenses of the Legislative Ethics Committee ... ..  
 370,000 ..... (re. \$126,518)

By chapter 51, section 1, of the laws of 1994:  
 For services and expenses of the Legislative Ethics Committee ... ..  
 370,000 ..... (re. \$15,853)

By chapter 51, section 1, of the laws of 1993:  
 For services and expenses of the Legislative Ethics Committee ... ..  
 370,000 ..... (re. \$257,753)

By chapter 51, section 1, of the laws of 1992:  
 For services and expenses of the Legislative Ethics Committee ... ..  
 370,000 ..... (re. \$339,513)

By chapter 51, section 1, of the laws of 1991:  
 For services and expenses of the Legislative Ethics Committee ... ..  
 410,000 ..... (re. \$112,640)

By chapter 51, section 1, of the laws of 1990:  
 For services and expenses of the Legislative Ethics Committee ... ..  
 500,000 ..... (re. \$190,724)

By chapter 51, section 1, of the laws of 1989:  
 For services and expenses of the Legislative Ethics Committee ... ..  
 1,000,000 ..... (re. \$177,014)

## LEGISLATIVE HEALTH SERVICE

By chapter 51, section 1, of the laws of 2009:

## LEGISLATURE AND JUDICIARY 2010-11

For services and expenses for the operation of the legislative health service.

## PERSONAL SERVICE

Personal service-regular ... 185,400 ..... (re. \$53,995)

## NONPERSONAL SERVICE

Supplies and materials ... 26,000 ..... (re. \$17,765)

Contractual services ... 1,000 ..... (re. \$989)

Equipment ... 1,000 ..... (re. \$437)

By chapter 51, section 1, of the laws of 2008:

For services and expenses for the operation of the legislative health service.

## PERSONAL SERVICE

Personal service-regular ... 185,400 ..... (re. \$4,295)

## NONPERSONAL SERVICE

Supplies and materials ... 26,000 ..... (re. \$4,792)

Contractual services ... 1,000 ..... (re. \$901)

Equipment ... 1,000 ..... (re. \$581)

By chapter 51, section 1, of the laws of 2007:

For services and expenses for the operation of the legislative health service.

## PERSONAL SERVICE

Personal service-regular ... 180,000 ..... (re. \$1,489)

## NONPERSONAL SERVICE

Supplies and materials ... 13,421 ..... (re. \$9,868)

Contractual services ... 1,000 ..... (re. \$945)

Equipment ... 1,000 ..... (re. \$1,000)

By chapter 51, section 1, of the laws of 2003:

For services and expenses ... 178,838 ..... (re. \$16,975)

## LEGISLATIVE LIBRARY

By chapter 51, section 1, of the laws of 2009:

For services and expenses and for temporary and special services for the operation of the legislative library.

## PERSONAL SERVICE

Personal service-regular ... 413,484 ..... (re. \$70,658)

## LEGISLATURE AND JUDICIARY 2010-11

## NONPERSONAL SERVICE

Supplies and materials ... 250,000 .....	(re. \$98,895)
Contractual services ... 100,000 .....	(re. \$14,651)
Equipment ... 32,800 .....	(re. \$32,800)

By chapter 51, section 1, of the laws of 2008:

For services and expenses and for temporary and special services for the operation of the legislative library.

## PERSONAL SERVICE

Personal service-regular ... 413,484 .....	(re. \$17,632)
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## NONPERSONAL SERVICE

Supplies and materials ... 250,000 .....	(re. \$30,212)
Contractual services ... 100,000 .....	(re. \$4,080)
Equipment ... 32,800 .....	(re. \$32,800)

By chapter 51, section 1, of the laws of 2007:

For services and expenses and for temporary and special services for the operation of the legislative library.

## NONPERSONAL SERVICE

Supplies and materials ... 250,000 .....	(re. \$121,610)
Contractual services ... 100,000 .....	(re. \$41,692)
Equipment ... 32,800 .....	(re. \$32,800)

By chapter 51, section 1, of the laws of 2000:

For services and expenses and for temporary and special services ... .. 734,014 .....	(re. \$302,908)
--	-----------------

By chapter 51, section 1, of the laws of 1999:

For services and expenses and for temporary and special services ... .. 712,635 .....	(re. \$605,956)
--	-----------------

By chapter 51, section 1, of the laws of 1998:

For services and expenses and for temporary and special services ... .. 691,879 .....	(re. \$374,336)
--	-----------------

By chapter 51, section 1, of the laws of 1996:

For services and expenses and for temporary and special services ... .. 677,317 .....	(re. \$245,209)
--	-----------------

## LEGISLATIVE MESSENGER SERVICE

By chapter 51, section 1, of the laws of 2009:

For services and expenses for the operation of the legislative messenger service.

## LEGISLATURE AND JUDICIARY 2010-11

## PERSONAL SERVICE

Personal service-regular ... 905,000 ..... (re. \$107,034)

## NONPERSONAL SERVICE

Supplies and materials ... 2,000 ..... (re. \$1,887)

By chapter 51, section 1, of the laws of 2008:

For services and expenses for the operation of the legislative messenger service.

## PERSONAL SERVICE

Personal service-regular ... 905,000 ..... (re. \$28,486)

## NONPERSONAL SERVICE

Supplies and materials ... 2,000 ..... (re. \$696)

By chapter 51, section 1, of the laws of 2007:

For services and expenses for the operation of the legislative messenger service.

## PERSONAL SERVICE

Personal service-regular ... 850,000 ..... (re. \$64,837)

## NONPERSONAL SERVICE

Supplies and materials ... 6,106 ..... (re. \$4,565)

Equipment ... 1,000 ..... (re. \$685)

By chapter 51, section 1, of the laws of 2006:

For services and expenses ... 841,850 ..... (re. \$18,351)

By chapter 51, section 1, of the laws of 2005:

For services and expenses ... 817,330 ..... (re. \$22,465)

By chapter 51, section 1, of the laws of 2003:

For services and expenses ... 688,524 ..... (re. \$274,909)

## LEGISLATIVE BILL DRAFTING COMMISSION

By chapter 51, section 1, of the laws of 2009:

For services and expenses, temporary and special services, and for expenses of maintenance and operation, including travel outside of the state.

## PERSONAL SERVICE

Personal service-regular ... 10,695,644 ..... (re. \$1,722,521)

Temporary service ... 170,950 ..... (re. \$70,693)

## LEGISLATURE AND JUDICIARY 2010-11

## NONPERSONAL SERVICE

Supplies and materials ... 335,375 ..... (re. \$275,924)  
 Travel ... 51,088 ..... (re. \$50,781)  
 Contractual services ... 1,727,437 ..... (re. \$331,556)  
 Equipment ... 160,397 ..... (re. \$83,019)

## LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT

General Fund / State Operations  
 State Purposes Account - 003

By chapter 51, section 1, of the laws of 2009:

For services and expenses ... of the task force for senate purposes.

## PERSONAL SERVICE

Personal service-regular ... 350,542 ..... (re. \$40,636)

## NONPERSONAL SERVICE

Travel ... 3,000 ..... (re. \$239)

For services and expenses ... of the task force for assembly purposes.

## PERSONAL SERVICE

Personal service-regular ... 340,542 ..... (re. \$230,000)  
 Temporary service ... 10,000 ..... (re. \$10,000)

## NONPERSONAL SERVICE

Travel ... 1,000 ..... (re. \$1,000)  
 Contractual services ... 10,402 ..... (re. \$10,402)

For services and expenses ... of the task force for joint operations.

## PERSONAL SERVICE

Personal service-regular ... 803,601 ..... (re. \$768,000)  
 Temporary service ... 10,000 ..... (re. \$10,000)

## NONPERSONAL SERVICE

Supplies and materials ... 15,000 ..... (re. \$15,000)  
 Travel ... 5,000 ..... (re. \$5,000)  
 Contractual services ... 110,045 ..... (re. \$104,045)  
 Equipment ... 210,000 ..... (re. \$210,000)

By chapter 51, section 1, of the laws of 2008:



## LEGISLATURE AND JUDICIARY 2010-11

For services and expenses . . . . . of the task force for senate purposes.

## NONPERSONAL SERVICE

Travel . . . 3,000 . . . . . (re. \$260)

For services and expenses . . . . . of the task force for assembly purposes.

## PERSONAL SERVICE

Personal service-regular . . . 340,542 . . . . . (re. \$210,301)

Temporary service . . . 10,000 . . . . . (re. \$10,000)

## NONPERSONAL SERVICE

Travel . . . 1,000 . . . . . (re. \$1,000)

Contractual services . . . 10,402 . . . . . (re. \$10,402)

For services and expenses . . . . . of the task force for joint operations.

## PERSONAL SERVICE

Personal service-regular . . . 803,601 . . . . . (re. \$111,073)

Temporary service . . . 10,000 . . . . . (re. \$10,000)

## NONPERSONAL SERVICE

Supplies and materials . . . 15,000 . . . . . (re. \$14,880)

Travel . . . 5,000 . . . . . (re. \$5,000)

Contractual services . . . 110,045 . . . . . (re. \$87,295)

Equipment . . . 210,000 . . . . . (re. \$210,000)

By chapter 51, section 1, of the laws of 2007:

For services and expenses . . . . . of the task force for senate purposes.

## NONPERSONAL SERVICE

Contractual services . . . 3,402 . . . . . (re. \$199)

For services and expenses . . . . . of the task force for assembly purposes.

## PERSONAL SERVICE

Personal service-regular . . . 330,000 . . . . . (re. \$200,856)

Temporary service . . . 10,000 . . . . . (re. \$10,000)

## NONPERSONAL SERVICE

Travel . . . 1,000 . . . . . (re. \$1,000)

## LEGISLATURE AND JUDICIARY 2010-11

Contractual services ... 10,402 ..... (re. \$10,402)

For services and expenses ... of the task force for joint operations.

## PERSONAL SERVICE

Personal service-regular ... 770,000 ..... (re. \$34,020)

Temporary service ... 10,000 ..... (re. \$10,000)

## NONPERSONAL SERVICE

Supplies and materials ... 15,000 ..... (re. \$14,986)

Travel ... 5,000 ..... (re. \$5,000)

Contractual services ... 110,045 ..... (re. \$110,045)

Equipment ... 210,000 ..... (re. \$210,000)

By chapter 51, section 1, of the laws of 2006:

For services and expenses ... of the task force for assembly purposes ... 341,167 ..... (re. \$190,725)

For services and expenses ... of the task force for joint operations ... 1,087,422 ..... (re. \$339,315)

By chapter 51, section 1, of the laws of 2005:

For services and expenses ... of the task force for assembly purposes ... 331,230 ..... (re. \$137,539)

For services and expenses ... of the task force for joint operations ... 1,055,750 ..... (re. \$330,793)

By chapter 51, section 4, of the laws of 2005, as consolidated and reappropriated:

For services and expenses ... of the task force for assembly purposes ..... (re. \$1,335,503)

## MISCELLANEOUS

## SPECIAL REVENUE FUNDS - OTHER

## LEGISLATIVE COMPUTER SERVICES FUND

By chapter 51, section 1, of the laws of 2009:

For services and expenses of the Legislative Computer Services Fund.

## NONPERSONAL SERVICE

Contractual services ... 1,000,000 ..... (re. \$1,000,000)

Equipment ... 500,000 ..... (re. \$500,000)

By chapter 51, section 1, of the laws of 2008:

For services and expenses of the Legislative Computer Services Fund.

## NONPERSONAL SERVICE

Contractual services ... 1,000,000 ..... (re. \$1,000,000)

## LEGISLATURE AND JUDICIARY 2010-11

Equipment ... 500,000 ..... (re. \$500,000)

By chapter 51, section 1, of the laws of 2007:

For services and expenses of the Legislative Computer Services Fund.

## NONPERSONAL SERVICE

Equipment ... 500,000 ..... (re. \$457,723)

By chapter 51, section 1, of the laws of 2006:

For services and expenses ... .. 1,500,000 ..... (re. \$510,000)

By chapter 51, section 1, of the laws of 2005:

For services and expenses ... .. 1,500,000 ..... (re. \$132,610)

SENATE RECYCLABLE MATERIALS, INFORMATION  
SERVICES AND CONFERENCE FUND

By chapter 51, section 1, of the laws of 2009:

For services and expenses ... .. 50,000 ..... (re. \$50,000)

ASSEMBLY RECYCLABLE MATERIALS, INFORMATION  
SERVICES AND CONFERENCE FUND

By chapter 51, section 1, of the laws of 2009:

For services and expenses ... .. 50,000 ..... (re. \$50,000)

§ 5. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2010.

## LEGISLATURE AND JUDICIARY 2010-11

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The Legislature of the STATE OF NEW YORK ss:

Pursuant to the authority vested in us by section 70-b of the Public Officers Law, we hereby jointly certify that this slip copy of this session law was printed under our direction and, in accordance with such section, is entitled to be read into evidence.

MALCOLM A. SMITH  
Temporary President of the Senate

SHELDON SILVER  
Speaker of the Assembly

# **EXHIBIT D**

## **NYS Assemble Debate Transcript of 3/31/09**

**NYS ASSEMBLY**

**MARCH 31, 2009**

own?

**MR. FARRELL:** I think it's something that the Governor decided to do on his own and we are agreeing with him.

**MR. RAIA:** Okay, thank you.

**MR. FARRELL:** You're welcome.

**ACTING SPEAKER GREENE:** Read the last section.

**THE CLERK:** This act shall take effect immediately.

**ACTING SPEAKER GREENE:** The Clerk will record the vote.

(The Clerk recorded the vote.)

**MR. CANESTRARI:** Madam Speaker, as you know, there is one more bill for us to consider this evening, colleagues. So, one more bill. I know you're looking forward to it so just stay tuned.

Thank you.

**ACTING SPEAKER GREENE:** Are there any other votes?

The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 3, Rules Report No. 14, the Clerk will read.

**THE CLERK:** Bill No. 151-A, Rules Report No. 14, Budget bill. An act making appropriations for the support of government (Legislature and Judiciary budget).

**ACTING SPEAKER GREENE:** Mr. Farrell.

NYS ASSEMBLY

MARCH 31, 2009

MR. FARRELL: Madam Speaker, on the bill.

ACTING SPEAKER GREENE: On the bill.

MR. FARRELL: As required by New York State's Constitution, judicial salaries are and have always been set by law, Article VII(B) of the Judiciary Law. A reappropriation of potentially available monies cannot and does not change that law and what it certainly does not authorize is any salary increases. The notion that the Office of Court Administration has been somehow authorized or empowered to ignore both the New York State Constitution and Article VII(B) of the Judiciary Law by some words stricken from an appropriation is 100 percent incorrect. Simply stated, some redundant words were removed, but these words could be replaced if that was deemed necessary to eliminate any contrived confusion in a chapter amendment. No New York State court in any case, and there have been several, has ever determined that judicial salaries could be adjusted without amendments to Article VII(B) of the Judiciary Law.

Thank you, Madam Speaker.

SPEAKER SILVER: Mr. Parment.

MR. PARMENT: Yes, thank you, Mr. Speaker.

Many times I've voted against this budget and I have not been compelled to speak. This year I feel compelled to speak, in part because of the preamble that was presented to us by the Judiciary in their presentation of their budget. In that preamble, which I don't have here so I won't quote it, but to paraphrase it, the Judiciary basically said that they understand these to be very difficult times and

NYS ASSEMBLY

MARCH 31, 2009

consequently they were going to make the sacrifice along with everyone else this year and that they, because of the hard times, were going to hold their budget to a no-increase budget. As far as I know, they're the only major element of New York State government that has not received a reduction in the appropriations available to them over the last 12 months.

But, let me just tell you what's happened with the Judiciary over the last ten years. In the 1999-2000 budget, the total Judiciary budget was \$1,145,040,848. \$1.14 billion. This budget, ten years later, calls for an appropriation of \$2.52 billion, \$2,525,757,461. This is an increase in ten years of \$1,380,716,613, or an increase on a percentage basis of 121 percent in ten years. Now, I don't know of any major budget in this State government that's increased at 12 percent a year. If, in fact, this is a hold-the-line budget, as was told to us it would be, that would mean in reality they increased that amount in the 2008-2009 budget, which means they did that in a period of nine years. If they did it in a period of nine years, that means their average increase over those nine years was 153 percent, or 15.3 percent a year. Now, I believe that this Legislature should take a responsibility to more closely examine what the Judiciary is doing with all the money we've been spending on the Judiciary. I don't believe that any agency in this State government could justify to me that they should be entitled to an increase that exceeds 15 percent per annum.

And so, I would recommend all of you to vote against

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## NYS ASSEMBLY

MARCH 31, 2009

this budget and we come back and work on it again at a later date.

SPEAKER SILVER: Read the last section.

THE CLERK: This act shall take effect immediately.

SPEAKER SILVER: The Clerk will record the vote.

(The Clerk recorded the vote.)

While we're on the vote, Mr. Farrell.

MR. FARRELL: Madam Speaker -- Mr. Speaker,

I'm sorry.

(Laughter)

SPEAKER SILVER: We're both here -- twins.

MR. FARRELL: It's been a long day. The eyesight goes first.

Mr. Speaker, before I cast my vote, I just wanted to say thanks to everybody. I want to say thanks to my colleagues. I thought we had a very good debate. Things were done well. We got a lot of words said and we finished before midnight, so we accomplished a lot.

(Applause)

And I'm not going to get into trouble by doing names, but I'm just going to say to the whole staff of Ways and Means -- all right, gang, everybody stand up -- thank you very much.

(Applause)

And, Mr. Speaker, I want to thank you, also, for allowing me to have so much fun today, and I mean that seriously. It was enjoyable. So, Mr. Speaker, I vote in the affirmative.

**NYS ASSEMBLY**

**MARCH 31, 2009**

Thank you.

(Applause)

**SPEAKER SILVER:** Mr. Kolb.

**MR. KOLB:** Yes, thank you, Mr. Speaker. And also I would like to extend, certainly, a hearty congratulations to all the Ways and Means staff, but in particular to our staff with the Assembly Minority. These folks getting the budget bills at the, shall we say, the 11th hour, poring through thousands of pages of documents, working all hours of the night to try to support the members of our Conference. I would like to take this opportunity to acknowledge Assemblyman Jim Hayes and Becky D'Agati and the entire Ways and Means staff for an outstanding job on behalf of our Conference and the State Assembly here in New York.

(Applause)

Also, Mr. Speaker, I would just like to acknowledge, too, Mr. Farrell, who showed a tremendous amount of stamina today.

(Applause)

I would also like to make this observation, Mr. Speaker: I would like to know what Mr. Farrell's been drinking all day because I think we would like to get some of that, whether it's mineral water or the special elixir of New York City. But again, Mr. Farrell, to you, we appreciate the courtesies, certainly the patience with all of our members' questions, and I also want to thank my colleagues for providing the loyal opposition to ask the tough questions and, certainly, this is what a democracy is all about when we

## NYS ASSEMBLY

MARCH 31, 2009

can stand on the floor of this Chamber and to be able to share differences of opinions and ideas to move our State forward and, hopefully, as we go on, we can improve this process, we can improve this budget and, Mr. Speaker, thank you for allowing me to share a few words.

(Applause)

SPEAKER SILVER: Thank you. Thank you, Mr. Kolb. And I guess while we're tabulating votes and before we conclude, I just want to add my words tonight. First of all, Denny, unlike most amusement parks, we don't charge admission here.

MR. FARRELL: Thank you.

SPEAKER SILVER: But I really do want to express my appreciation to our Ways and Means Committee Chair, Denny Farrell, the tremendous job he's done in helping us to understand the scope of this economic crisis and for guiding us through what has been, I believe, the most challenging budget in my memory and, certainly, in all the years I've been here. There has never been a challenge, though, put before Denny that he has not been up to, and for that we are both fortunate and grateful. So, Denny, once again, thank you for your leadership.

(Applause)

Along with Denny, let me express my appreciation to our committee chairs and to my colleagues in the Majority Conference for the long hours, days that you have invested in this process so that we could reach an agreement that was fair and balanced, that makes

**NYS ASSEMBLY**

**MARCH 31, 2009**

tough decisions and that ensures that working families and our least fortunate citizens are not required to shoulder a disproportionate share of the pain. And we passed it and we passed it on time.

(Applause)

On behalf of everybody in this House, I want to commend the staffs of the Ways and Means Committee and Program and Counsel for their tireless and outstanding work. There isn't time to individually acknowledge each of the members of our staff, but I certainly want to recognize Dean Fuleihan.

(Applause)

Judy Rapfogel.

(Applause)

Sabrina Ty.

(Applause)

Matt Howard.

(Applause)

Steven Pleydle.

(Applause)

Audra Nowosielski.

(Applause)

Michael Johnson.

(Applause)

Bill Collins.

(Applause)

Roman Hedges and Steve August.

## NYS ASSEMBLY

MARCH 31, 2009

(Applause)

As I did when the budget agreement was announced, let me once again acknowledge the leadership of our Governor, who was warning us about this crisis long before the vast majority of economists recognized the depth of it and who has kept this State focused on addressing the economic dilemma at hand.

Likewise, I want to offer my commendation to Senator Malcolm Smith. With his leadership and the leadership of the Senate Majority Conference, we are finally able to advance long-held Democratic principles in this State.

I extend my gratitude to President Obama, to our Congressional delegation; most importantly to Senator Schumer and Senator Gillibrand for their leadership and their confidence in helping us to send a check and address this extraordinary fiscal crisis.

To all of you, thank you for your cooperation.

The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Canestrari.

MR. CANESTRARI: Mr. Speaker, I understand you have resolutions and housekeeping for us even at this late hour?

SPEAKER SILVER: Our work is never done, you know that. I have housekeeping. Okay, Mr. Canestrari.

On behalf of Mr. Weprin, the Assembly bill is recalled from the Senate, the Clerk will read the title of the bill.

# **EXHIBIT E**

## **NYS Senate Debate Transcript of 4/3/09**

ACTING PRESIDENT VALESKY: The

11 Secretary will read Calendar Number 131.

12 THE SECRETARY: Calendar Number  
13 131, substituted April 1, Assembly Budget  
14 Bill, Assembly Print Number 151A, an act  
15 making appropriations for the support of  
16 government: Legislature and Judiciary Budget.

17 ACTING PRESIDENT VALESKY:

18 Senator DeFrancisco, on the bill.

19 SENATOR DeFRANCISCO: I just have  
20 a couple of questions. And if Senator Carl  
21 Kruger would respond to one of them and yield.

22 ACTING PRESIDENT VALESKY:

23 Senator Kruger, do you yield?

24 SENATOR CARL KRUGER: Yes, I do,

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3400

1 Mr. President.

2 ACTING PRESIDENT VALESKY: The  
3 Senator yields.

4 SENATOR DeFRANCISCO: Without  
5 going through the specific numbers, I've read  
6 publicly that Senator Smith indicated that the  
7 Senate legislative budget was going to be

8 reduced by 8 percent over last year.

9 Is that correct? And was that  
10 done?

11 SENATOR CARL KRUGER: Yes, it  
12 was.

13 SENATOR DeFRANCISCO: So it is  
14 correct, and it was done?

15 SENATOR CARL KRUGER: Yes.

16 SENATOR DeFRANCISCO: Thank you.

17 If Senator John Sampson, chair of  
18 Judiciary, could answer a question, I'd  
19 appreciate it.

20 ACTING PRESIDENT VALESKY:  
21 Senator DeFrancisco, the rules prohibit the  
22 chair from asking a member to yield to a  
23 question who has not spoken on the bill  
24 already.

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1 SENATOR DeFRANCISCO: All right,  
2 point of order. I used to, during the course  
3 of the prior proceedings, the Judiciary chair  
4 would always be available for questions --

5 ACTING PRESIDENT VALESKY: Excuse



6 me, Senator DeFrancisco.

7 Could we have some order, please,  
8 in the chamber. Shhh.

9 Thank you.

10 SENATOR DeFRANCISCO: Excuse me.  
11 Point of order.

12 I could always ask Senator Sampson  
13 to explain the judiciary budget, but I'm not  
14 so sure everybody wants to hear it. And all  
15 I'm requesting is that in lieu of that that he  
16 answer one area of questions for me. And if  
17 he consents, I think he could do that.

18 ACTING PRESIDENT VALESKY:  
19 Senator Sampson, do you consent to yield for  
20 Senator DeFrancisco?

21 SENATOR SAMPSON: Anytime for  
22 Senator DeFrancisco.

23 ACTING PRESIDENT VALESKY:  
24 Proceed, Senator DeFrancisco.

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1 SENATOR DeFRANCISCO: Thank you.

2 Senator Sampson, in the Governor's

3 proposed budget there was a pot of money

4 designated for judicial salaries. And the  
5 understanding was out of the judiciary budget  
6 that was submitted by the judiciary and  
7 submitted by the Governor, that out of that  
8 money there was enough money available for a  
9 salary increase for the judiciary.

10 I understand that the language  
11 authorizing such an increase is not in the  
12 final budget; is that correct?

13 SENATOR SAMPSON: That's correct.

14 SENATOR DeFRANCISCO: All right.

15 Would he answer one last question?

16 ACTING PRESIDENT VALESKY:

17 Senator Sampson, do you continue to yield?

18 SENATOR SAMPSON: Of course.

19 ACTING PRESIDENT VALESKY: The  
20 Senator yields.

21 SENATOR DeFRANCISCO: In order  
22 for the judiciary to receive a salary increase  
23 from this budget, is it correct that there  
24 would have to be a separate bill authorizing

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1 such an increase separate and apart from this

2 budget?

3 SENATOR SAMPSON: That's correct,  
4 Senator. Through you, Mr. Chair, that is  
5 correct, Senator DeFrancisco.

6 SENATOR DeFRANCISCO: One last  
7 question, I'm sorry, just to be clear.

8 ACTING PRESIDENT VALESKY:  
9 Senator Sampson, do you continue to yield?

10 SENATOR SAMPSON: Through you,  
11 Mr. President, yes, I do.

12 ACTING PRESIDENT VALESKY: The  
13 Senator yields.

14 SENATOR DeFRANCISCO: Stated  
15 another way, the only mechanism for a judicial  
16 salary increase would be through a separate  
17 piece of legislation. And just because the  
18 same money is in the budget, that would not  
19 authorize, for example, the head of the Office  
20 of Court Administration or the Chief Judge of  
21 the Court of Appeals to simply grant an  
22 increase?

23 SENATOR SAMPSON: Through you,  
24 Mr. President, you are correct, Senator

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1 DeFrancisco.

2 SENATOR DeFRANCISCO: Thank you.

3 I have no further questions.

4 ACTING PRESIDENT VALESKY: Thank  
5 you, Senator DeFrancisco.

6 The Secretary will ring the bells.

7 I ask all Senators to proceed to the chamber  
8 for purposes of a roll call.

9 The Secretary will read the last  
10 section.

11 THE SECRETARY: Section 2. This  
12 act shall take effect immediately.

13 SENATOR SKELOS: Slow roll call,  
14 please.

15 ACTING PRESIDENT VALESKY: The  
16 Secretary will proceed with a slow roll call.

17 THE SECRETARY: Senator Adams.

18 SENATOR ADAMS: Aye.

19 THE SECRETARY: Senator Addabbo.

20 SENATOR ADDABBO: Yes.

21 THE SECRETARY: Senator Alesi.

22 SENATOR ALESI: No.

23 THE SECRETARY: Senator

24 Aubertine.

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1 SENATOR AUBERTINE: Yes.  
2 THE SECRETARY: Senator Bonacic.  
3 SENATOR BONACIC: No.  
4 THE SECRETARY: Senator Breslin.  
5 SENATOR BRESLIN: Yes.  
6 THE SECRETARY: Senator

7 DeFrancisco.

8 SENATOR DeFRANCISCO: No.  
9 THE SECRETARY: Senator Diaz.  
10 SENATOR DIAZ: Yes.  
11 THE SECRETARY: Senator Dilan.  
12 SENATOR DILAN: Yes.  
13 THE SECRETARY: Senator Duane.  
14 SENATOR DUANE: Yes.  
15 THE SECRETARY: Senator Espada.

16 ACTING PRESIDENT VALESKY:

17 Senator Espada, to explain his vote.

18 SENATOR ESPADA: Thank you,

19 Mr. President.

20 As this is my last vote in this  
21 cycle of budget bills, many questions have  
22 been asked about the economic stimulus dollar,  
23 what to call it, where it is going, will it

24 stimulate, will it work.

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1                   And some of the exchanges have been  
2 fair. But just to be totally fair, when some  
3 of us go back home Monday, courtesy of  
4 Governor Paterson, who has given me permission  
5 to share this, \$253 million of the economic  
6 stimulus budget will be going -- to Senator  
7 Breslin, \$18.3 million. Monday, we will get  
8 to celebrate that. Senator McDonald,  
9 \$12.1 million in his Senate district. Senator  
10 Robach, \$4.7 million. Senator Robach again,  
11 \$6.3 million. Mr. President, \$24.5 million.  
12 And the list could really go on and will total  
13 \$253 million this Monday.

14                   And those opportunities and those  
15 stimuli will be present in every community.  
16 So for those who have not found the gold, for  
17 those who have not found the silver lining, it  
18 will be present. Look for it Monday in your  
19 districts and all year long.

20                   Thank you very much. I vote aye.

21                   ACTING PRESIDENT VALESKY:

22 Senator Espada to be recorded in the  
23 affirmative.

24 The Secretary will continue.

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1 THE SECRETARY: Senator Farley.  
2 SENATOR FARLEY: Aye -- no.  
3 (Laughter.)  
4 THE SECRETARY: Senator Flanagan.  
5 SENATOR FLANAGAN: No.  
6 THE SECRETARY: Senator Foley.  
7 SENATOR FOLEY: Aye.  
8 THE SECRETARY: Senator  
9 Fuschillo.  
10 SENATOR FUSCHILLO: No.  
11 THE SECRETARY: Senator Golden.  
12 SENATOR GOLDEN: No.  
13 THE SECRETARY: Senator Griffio.  
14 SENATOR GRIFFO: No.  
15 THE SECRETARY: Senator Hannon.  
16 SENATOR HANNON: No.  
17 THE SECRETARY: With unanimous  
18 consent, Senator Hassell-Thompson voted in the  
19 affirmative April 2.

20 Senator Huntley.  
 21 SENATOR HUNTLEY: Yes.  
 22 THE SECRETARY: Senator C.  
 23 Johnson.  
 24 SENATOR CRAIG JOHNSON: Yes.

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3408

1 THE SECRETARY: Senator O.  
 2 Johnson.  
 3 SENATOR OWEN JOHNSON: No.  
 4 THE SECRETARY: Senator Klein.  
 5 SENATOR KLEIN: Yes.  
 6 THE SECRETARY: Senator  
 7 L. Krueger.  
 8 SENATOR LIZ KRUEGER: Yes.  
 9 THE SECRETARY: Senator C.  
 10 Kruger.  
 11 SENATOR CARL KRUGER: Yes.  
 12 THE SECRETARY: Senator Lanza.  
 13 SENATOR LANZA: No.  
 14 THE SECRETARY: Senator Larkin.  
 15 SENATOR LARKIN: No.  
 16 THE SECRETARY: Senator LaValle.  
 17 SENATOR LaVALLE: No.



18 THE SECRETARY: Senator Leibell.

19 SENATOR LEIBELL: No.

20 THE SECRETARY: Senator Libous

21 voting in the negative earlier today.

22 Senator Little.

23 SENATOR LITTLE: No.

24 THE SECRETARY: Senator

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3409

1 Marcellino.

2 SENATOR MARCELLINO: No.

3 THE SECRETARY: Senator Maziarz.

4 SENATOR MAZIARZ: No.

5 THE SECRETARY: Senator McDonald.

6 SENATOR McDONALD: No.

7 THE SECRETARY: Senator

8 Monserrate.

9 SENATOR MONSERRATE: Aye.

10 THE SECRETARY: Senator

11 Montgomery.

12 SENATOR MONTGOMERY: Aye.

13 THE SECRETARY: Senator Morahan.

14 SENATOR MORAHAN: No.

15 THE SECRETARY: Senator Nozzolio.

16 SENATOR NOZZOLIO: No.  
17 THE SECRETARY: Senator Onorato.  
18 SENATOR ONORATO: Yes.  
19 THE SECRETARY: Senator  
20 Oppenheimer.  
21 SENATOR OPPENHEIMER: Aye.  
22 THE SECRETARY: Senator Padavan.  
23 SENATOR PADAVAN: No.  
24 THE SECRETARY: Senator Parker.

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1 SENATOR PARKER: Aye.  
2 THE SECRETARY: Senator Perkins.  
3 SENATOR PERKINS: Aye.  
4 THE SECRETARY: Senator  
5 Ranzenhofer.  
6 SENATOR RANZENHOFER: No.  
7 THE SECRETARY: Senator Robach.  
8 SENATOR ROBACH: No.  
9 THE SECRETARY: Senator Saland.  
10 SENATOR SALAND: No.  
11 THE SECRETARY: Senator Sampson.  
12 SENATOR SAMPSON: Yes.  
13 THE SECRETARY: Senator Savino.

14 SENATOR SAVINO: Yes.  
15 THE SECRETARY: Senator  
16 Schneiderman.  
17 SENATOR SCHNEIDERMAN: Yes.  
18 THE SECRETARY: Senator Serrano.  
19 SENATOR SERRANO: Yes.  
20 THE SECRETARY: Senator Seward.  
21 SENATOR SEWARD: No.  
22 THE SECRETARY: Senator Skelos.  
23 SENATOR SKELOS: No.  
24 THE SECRETARY: Senator Smith.

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3411

1 SENATOR SMITH: Yes.  
2 THE SECRETARY: Senator Squadron.  
3 SENATOR SQUADRON: Yes.  
4 THE SECRETARY: Senator  
5 Stachowski.  
6 SENATOR STACHOWSKI: Yes.  
7 THE SECRETARY: Senator Stavisky.  
8 SENATOR STAVISKY: Yes.  
9 THE SECRETARY: Senator  
10 Stewart-Cousins.  
11 SENATOR STEWART-COUSINS: Yes.

12 THE SECRETARY: Senator Thompson.

13 SENATOR THOMPSON: Yes.

14 THE SECRETARY: Senator Valesky.

15 ACTING PRESIDENT VALESKY: Aye.

16 THE SECRETARY: Senator Volker.

17 ACTING PRESIDENT VALESKY:

18 Senator Volker, to explain his vote.

19 SENATOR VOLKER: Well, it's not  
20 quite to explain my vote.

21 I just want to announce to the  
22 members that today is the 10th anniversary of  
23 the death of one of the great friends of those  
24 people in this chamber, John Brendan Daly, who

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1 is the predecessor of George here, and he died  
2 on April 3, 1999. I just wanted to tell  
3 everybody to remind them.

4 I vote no.

5 ACTING PRESIDENT VALESKY: Thank  
6 you. Senator Volker to be recorded in the  
7 negative.

8 The Secretary will continue.

9 THE SECRETARY: Senator Winner.

10 SENATOR WINNER: No.

11 THE SECRETARY: Senator Young.

12 SENATOR YOUNG: No.

13 ACTING PRESIDENT VALESKY: The

14 Secretary will announce the results.

15 THE SECRETARY: Ayes, 32. Nays,

16 30.

17 ACTING PRESIDENT VALESKY: The

18 bill is passed.

# **EXHIBIT F**

## **Status of L. 2009 ch. 51**

**Legislative Information**

Chapter No. 51 2009

Status  Text  Summary  Sponsors Memo  Voting  Chapter 51 of 2009

**Return to:** [Main Menu](#)

**A151-A Budget - Same as Uni. S 51-A BUDGET**

**STATUS:**

**A151-A Budget - Same as Uni. S 51-A BUDGET**

**Budget Bills**

**TITLE....LEGISLATURE AND JUDICIARY BUDGET**

**This bill is not active in the current session.**

01/07/09 referred to ways and means  
 03/28/09 amend and recommit to ways and means  
 03/28/09 print number 151a  
 03/31/09 reported referred to rules  
 03/31/09 reported  
 03/31/09 rules report cal.14  
 03/31/09 ordered to third reading rules cal.14  
 03/31/09 passed assembly  
 03/31/09 delivered to senate  
 03/31/09 REFERRED TO FINANCE  
 04/01/09 SUBSTITUTED FOR S51A  
 04/01/09 3RD READING CAL.131  
 04/03/09 PASSED SENATE  
 04/03/09 RETURNED TO ASSEMBLY  
 04/03/09 delivered to governor  
 04/07/09 signed chap.51

---

AFFIRMATION OF SERVICE

Ralph Pernick declares under penalty of perjury that the following is true and correct, pursuant to CPLR § 2106:

1. I am an attorney duly admitted to practice law before the courts of the State of New York, am over 21 years old, and am not a party to this action.

2. On October 12, 2010, I served the attached Reply Memorandum of Law and Reply Affirmation, by:

√ placing a true copy in a properly addressed envelope in a facility maintained by the United States Postal Service within the State of New York, addressed to:

Steven Cohn, Esq.  
One Old Country Road – Suite 420  
Carle Place, NY 11514-1814

3. Also on October 12, 2010, I sent a copy of the attached Reply Memorandum of Law by e-mailing it in pdf format to Mr. Cohn at his e-mail address:

scohn@scohnlaw.com

  
Ralph Pernick

Dated: October 12, 2010



Short Form Order

**SUPREME COURT - STATE OF NEW YORK  
TRIAL TERM, PART 17 NASSAU COUNTY**

**PRESENT:**

**Honorable Karen V. Murphy**  
**Justice of the Supreme Court**

\_\_\_\_\_ x

**EMILY PINES, DAVID DEMAREST, JEFFREY D.  
LEBOWITZ, STEPHEN FERRADINO, RALPH A.  
BONIELLO, III, and JOSEPH C. CALABRESE,**

**Index No. 13518/10**

**Plaintiff(s),**

**Motion Submitted: 11/23/10  
Motion Sequence: 001, 002**

**-against-**

**STATE OF NEW YORK,**

**Defendant(s).**

\_\_\_\_\_ x

The following papers read on this motion:

- Notice of Motion/Order to Show Cause.....XX
- Answering Papers.....X
- Reply.....X
- Briefs: Plaintiff's/Petitioner's.....
- Defendant's/Respondent's.....

In this declaratory judgment action brought by plaintiffs regarding the issue of judicial compensation, defendant, the State of New York ("the State"), moves pursuant to CPLR §3211(a)(7) for dismissal of the complaint for failure to state a cause of action. Plaintiffs cross-move pursuant to CPLR §3212 for summary judgment.

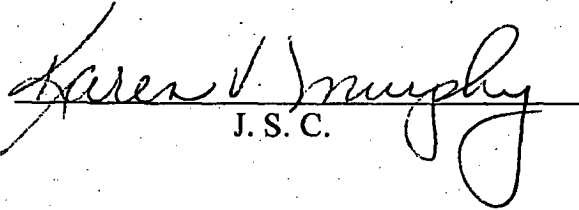
In its initial motion to dismiss, defendant contends that this matter turns on whether plaintiffs' interpretation of the New York State Budget language is correct. Defendant maintains in its motion to dismiss that plaintiffs' interpretation is incorrect, submitting to the Court copies of the proposed and amended budgetary legislation, and the pleadings in this action. In its opposition to plaintiffs' cross-motion for summary judgment, defendant submits matters outside the pleadings for this Court's consideration, namely the transcripts of New York State Assembly and Senate floor debate concerning the judiciary budget.

In view of the importance of this action, and its potential statewide impact, this Court has determined that the provident course of action is to place the parties on formal notice that defendant's motion to dismiss pursuant to CPLR § 3211 shall be treated as a motion for summary judgment (*CPLR § 3211[c]; Mihlovan v. Grozavu*, 72 N.Y.2d 506, 531 N.E.2d 288, 534 N.Y.S.2d 656 [1988]).

The instant motion is adjourned to February 4, 2011, at which time it will be marked fully submitted. The parties shall submit any additional proof, in admissible form, to support their respective positions regarding the instant summary judgment motion on or before the adjourn date.

The foregoing constitutes the Order of this Court.

Dated: January 14, 2011  
Mineola, N.Y.

  
J. S. C.



**CERTIFICATION PURSUANT TO RULE 2105**


I, Julie M. Sheridan, Assistant Solicitor General  
in the Department of Law of the State of New York, do hereby  
certify pursuant to Rule 2105, that the foregoing papers  
have been compared by me with the originals, and found to be  
true and complete copies thereof.

DATED:

10-20-11

ERIC T. SCHNEIDERMAN  
Attorney General

BY:

  
Julie M. Sheridan  
Assistant Solicitor General

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# New York Supreme Court

Appellate Division—Second Department

App. Div. No. 2011-02821

EMILY PINES, DAVID DEMAREST, JEFFREY D. LEBOWITZ, STEPHEN  
FERRADINO, RALPH A. BONIELLO, III and JOSEPH C. CALABRESE,

*Plaintiffs-Respondents,*

*-against-*

THE STATE OF NEW YORK,

*Defendant-Appellant.*

---

**BRIEF OF PROPOSED AMICI CURIAE: THE ASSOCIATION OF JUSTICES OF  
THE SUPREME COURT OF THE STATE OF NEW YORK, THE SUPREME  
COURT JUSTICES ASSOCIATION OF THE CITY OF NEW YORK, INC. AND  
THE NEW YORK STATE ASSOCIATION OF CITY COURT JUDGES**

---

STROOCK & STROOCK & LAVAN LLP  
180 Maiden Lane  
New York, New York 10038  
(212) 806-5400

Counsel for *Amici Curiae*

Of Counsel:

Joseph L. Forstadt  
Alan M. Klinger  
Ernst H. Rosenberger  
Burton N. Lipshie  
Jerry H. Goldfeder  
Linda M. Melendres

Nassau County Index No. 10-13518

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## PRELIMINARY STATEMENT

The Association of Justices of the Supreme Court of the State of New York, the Supreme Court Justices Association of the City of New York, Inc. and the New York State Association of City Court Judges (collectively, the “Proposed *Amici*”) appear specially as *amici curiae* in support of the Plaintiffs in Pines, et al. v. State of New York on appeal from the Supreme Court Nassau County (collectively, “Respondents”).

For the reasons more fully addressed by the Respondents in their brief to this Court, and for the additional reasons presented herein, we urge the Court to affirm the Supreme Court’s well reasoned decision, by interpreting the plain and unambiguous meaning of the statutory text of Laws of 2009, Chapter 51, 3 (“Chapter 51”), to provide for the self-executing increase in compensation for the New York State Judges and Justices, effective for the budget year of 2009.

The State of New York (“the Appellant”) urges the Court to look past the clear language of the statute and give more priority to a single exchange on the floor of the Senate and a single comment by Assemblyman Farrell, than the actual words enacted by the Legislature and as signed into law by the Governor. This Court should exercise its authority to end Appellant’s flagrant disregard of its statutory duty to provide the funds that were appropriated to increase judicial compensation pursuant to Chapter 51.

Accordingly, the Proposed *Amici* respectfully urge the Court to affirm the Nassau County Supreme Court decision granting Respondents' motion for summary judgment and declaring that the compensation of the judges and justices of the Unified Court System has been duly increased pursuant to the Chapter 51, and that the State of New York is obligated to pay the judges and justices of the Unified Court System of the State of New York in accordance therewith, retroactive to April 1, 2009, together with costs and disbursements.

**INTEREST OF THE PROPOSED *AMICI***

The Association of Justices of the Supreme Court of the State of New York is a statutory association representing all of the elected Supreme Court Justices of the State of New York. The Supreme Court Justices Association of the City of New York, Inc. is a membership corporation representing the elected Supreme Court Justices in the City of New York. The New York State Association of City Court Judges is a membership association representing the City Court Judges sitting in 62 counties outside of the City of New York. The Proposed *Amici* have the responsibility to advocate on behalf of their members, particularly on issues that impact the Judiciary's independence from the other co-equal branches of government.

Here, because the financial independence of the New York State Judiciary is at stake, the Proposed *Amici* have a strong interest in seeing to it that Appellant

complies with its constitutional and statutory obligations to ensure that the Judiciary is adequately compensated.

## ARGUMENT

### POINT I

#### **COURTS SHOULD NOT RESORT TO AN ANALYSIS OF LEGISLATIVE HISTORY WHERE THE WORDS AND MEANING OF THE STATUTE ARE PLAIN AND UNAMBIGUOUS**

The Appellant, on this appeal, asserts that Chapter 51 is not a self-executing statute and therefore, does not authorize the disbursement of \$51 million to the judiciary to increase judicial salaries. *See* App. Br. 2. The Appellant further asserts that additional legislation was required in order to satisfy the constitutional requirement that judicial compensation be “established by law.” *See id.* The Appellant’s assertion, however, contradicts well-established principles of statutory construction by urging the Court to look past the plain and unambiguous text of Chapter 51.

Chapter 51 provides:

The appropriation made by chapter 51, section 2, of the laws of 2008, is hereby amended and reappropriated to read:

For expenses necessary to fund adjustments in the compensation of state-paid judges and justices of the unified court system and of housing judges of the New York City Civil Court, [~~pursuant to a subsequent chapter of law specifying such salary levels~~] and for such other services and expenses specified in section two of this act.

It is not the place of the Court to examine extrinsic evidence to discover legislative intent, where the legislative language is clear. *See McKinney's Cons. Laws of N.Y. §120*. The Court should confine its attention to the statute and not allow extrinsic circumstances to introduce a difficulty in the interpretation of plain language. *Id.* The New York Court of Appeals has repeatedly noted that “[a]s a general proposition, we need not look further than the unambiguous language of the statute to discern its meaning.” *Jones v. Bill*, 10 N.Y.3d 550, 554 (2008) (refusing to be persuaded by the floor minutes, where the language of the statute was clear).

A. **Statutory Text Is The Clearest Indicator of Legislative Intent**

“It is fundamental that a court, in interpreting a statute should attempt to effectuate the intent of the Legislature.” *Majewski v. Broadalbin-Perth Centr. Sch.*, 91 N.Y.2d 577, 583 (1998) (quoting *Patrolmen's Benevolent Assn. v. City of New York*, 41 N.Y.2d 205, 208 (1976)). “While legislative intent is the great and controlling principle, it should not be confused with legislative history, as the two are not coextensive.” *Sega v. State of New York*, 60 N.Y.2d 183, 191 (1983).

The clearest indicator of legislative intent is the statutory text. *Id.*; *see also Matter of Gilmore*, 87 A.D.3d 145, 152 (2d Dep't 2011) (“the statutory text is the clearest indicator of legislative intent and courts should construe unambiguous

language to give effect to its plain meaning”). Therefore, clarity and the lack of ambiguity of statutory language makes it inappropriate for the courts to delve into legislative history because

when the Legislature enacted the statutes and when the Governor signed them into law, they stood for what their words manifested and not the inner thoughts of a draftsman or adviser. After all, it was the words, not the thoughts which were to ‘influence the conduct of others.’

*People v. Graham*, 55 N.Y.2d 144, 151 (1982) (internal citations omitted). The

Court of Appeals in *Graham*, also noted that, although “a legal act originates in intention, it is perfected by expression.” *Id.* at 151 (internal citations omitted).

The role of Judges is to interpret the language of the statute itself, “rather than reconstruct legislators’ intentions. Where the language of those laws is clear, [the court is] not free to replace it with an unenacted legislative intent.” *I.N.S. v.*

*Cardoza-Fonseca*, 480 U.S. 421, 452-453 (1987) (Scalia, J., concurring).

Here, Appellant is urging this Court to reverse the lower court’s decision by looking past the clear language of the statute and giving more credence to a single exchange on the floor of the Senate and a single comment by Assemblyman Farrell, than the actual words enacted by the Legislature and as signed into law by the Governor. The Court should not be tempted to trespass into the Legislature’s domain by circumventing the principles of interpretation of the legislative process.

**B. Chapter 51 § 3 is Unambiguous and Legislative History is Unnecessary to Determine Legislative Intent**

This Court need not look further than the unambiguous language of Chapter 51 to discern its meaning. Chapter 51 is clear and unambiguous, and Appellant gives this Court no basis to look beyond the statutory text.

The only exceptions where a court need to resort to an analysis of legislative history is where there is doubt as to the meaning of the language or if the statute viewed from the standpoint of the literal sense of the language, works an unjust, unreasonable or absurd result. *Burdick v. Sherritt Gordon Mines Limited*, 138 Misc.2d 598, 602 (Sup. Ct. Onondaga County (1988)) (where the court looked to legislative history only after it was determined that the plain meaning of the statute resulted in an absurd result).

There is no doubt as to the meaning of the language of Chapter 51. The language is plain and unambiguous. The text of Chapter 51 provides for an appropriation for expenses to fund adjustments in compensation of New York State Judges. *See Exhibit A at 5* (“Chapter 51 is not a dry appropriation requiring further legislation before the salaries can be paid”) (citing *Maron*, 14 N.Y.3d at

245).<sup>1</sup> According to the New York State Constitution, a judge's salary may not be diminished during his or her term of office. N.Y. Const. art VI, § 25(a). The appropriation adjusts Judges' compensation upward and, therefore, does not violate the Constitution. *See People ex rel. Simpson v. Wells*, 181 N.Y. 252, 257 (1905) (statutes are to be construed so as to not violate the Constitution). Appellant does not dispute that Chapter 51 provides for an increase in judicial compensation, but argues that it requires further legislation. The language of the statute is plainly otherwise.

In addition, the literal sense of the language does not allow for an unjust, unreasonable or absurd result. Prior to the enactment of Chapter 51 of the Laws of 2009, New York State Judges had not received a raise in compensation since 1999, the Legislature and the Governor having been found to have violated the doctrine of Separation of Powers in the New York Constitution. *See Matter of Maron v. Silver, Larabee v. Governor, Chief Judge v. Governor*, 14 N.Y.3d 230, 264 (2010).

The Court of Appeals' analysis of the Chapter 51, section 3 of the Laws of 2006 in *Maron, etc.* is instructive. Chapter 51, section 3 had provided:

[f]or expenses necessary to fund adjustments in the compensation of state-paid judges and justices of the unified court system *pursuant to a chapter of the laws of 2006* (emphasis supplied).

---

<sup>1</sup> The language also provides for unallocated funds "for such other services and expenses," which is left to the Office of Court Administration to disperse.



*Maron*, 14 N.Y.3d at 249. The Court found that the statute explicitly contained contingency language, which required the Legislature to enact a subsequent chapter of laws in order for the Judges' compensation to be increased. *Id.* Therefore, the Court determined that "mandamus did not lie in that instance because no subsequent chapter law was enacted either amending the Judiciary Law salary schedules or directing the disbursement of funds." *Id.* The Court further found that "[h]ad the Legislature intended that the judicial compensation appropriation be self-executing ... there would have been no need for the qualifying language." *Id.* at 249-250.

While the 2009 statute is unambiguous on its face, any ambiguity is clearly erased, as unlike in *Maron*, the contingency language of Chapter 51, "pursuant to a subsequent chapter of law," has been explicitly removed. *See Maron v. Silver*, 14 N.Y.3d at 249-250; *see also Majewski*, 91 N.Y.2d at 587 (a court may examine changes made in proposed legislation to determine intent); *People v. Korkala*, 99 A.D.2d 161, 166 (1st Dep't 1984) (noting that the "rejection of a specific statutory provision is a significant consideration when divining legislative intent"). Hence, the lower court determined that the removal of the language requiring additional enabling legislation constituted overwhelming and irrefutable evidence that such additional legislation is not required to affect the salary increases. *See Exhibit A at*

5. The explicit removal of the contingency language in Chapter 51 provides further support that the law is self-executing.

The Appellant's construction of Chapter 51 as not self-executing, would work not only an injustice, but would also produce an absurd result. For example, in *Burdick*, the court found that to accept the defendants' interpretation of the statute would eliminate any remedy to anyone. *Burdick*, 138 Misc.2d at 602 (reviving the plaintiffs' actions as being consistent with the legislative intent).

As in *Burdick*, if the Court were to rely on Appellant's interpretation of the statute, the remedy that Chapter 51 was enacted to provide would be eliminated and the statute would be rendered meaningless. The funds set forth in Chapter 51 would not be used for the sole reason for which it had been appropriated, which was for an adjustment in judicial compensation.<sup>2</sup> Courts should not construe the meaning of a statute to render it meaningless. *See e.g. Matter of Hernandez v. Barrios-Paoli*, 93 N.Y.2d 781, 787 (1999) (reversing the appellate decision because its reading of the statute would render the provision meaningless, in direct contravention of settled principles of statutory construction); *Matter of Stateway Plaza Shopping Ctr. v. Assessor of City of Watertown*, 87 A.D.3d 1359, (4th Dep't 2011) (refusing to render statutory language meaningless which would violate the

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<sup>2</sup> See Footnote 1 *supra*.

well-settled rule of statutory construction that “a construction rendering statutory language superfluous is to be avoided”) (citing *Matter of Branford House v. Michetti*, 81 N.Y.2d 681, 688 (1993)).<sup>3</sup>

This Court should affirm the interpretation of the Supreme Court because, not only is the statutory text clear and unambiguous, it is the only interpretation that does not eliminate the remedy by the Legislature for the Judges when Chapter 51 was enacted. Affirming the Supreme Court’s decision will insure there is not an unjust and absurd result and the statute will not be rendered meaningless.

## POINT II

### **WHERE LEGISLATIVE HISTORY IS UNAVAILING OR CONTRARY TO A STATUTE’S CLEAR MEANING, STATUTORY TEXT PREVAILS**

Appellant points to two floor debates and post enactment statements as support for its interpretation of Chapter 51 that the statute does not provide for a self-executing adjustment in compensation for the Judges and Justices. *See App. Br. 12-14, 30.* The lower court found that the legislative history demonstrated by the debate on the chamber floor was not persuasive because the transcripts merely represented “debate about the issue.” *See Exhibit A at 6.* Moreover, if legislative

---

<sup>3</sup> *See* Point III discussion of the Salary Commission.

history is contrary to a statute's clear meaning, as it is here, the statutory text prevails. *See Brown v. Wing*, 93 N.Y.2d 517, 522 (1999).

As explained above, not only does the Court need not look beyond the clear unambiguous text of the statute, but the Court of Appeals has specifically found that “[s]tatements and opinions of legislators uttered in the debates are not competent aids to the court in ascertaining the meaning of statutes.” *Woolcott v. Shubert*, 217 N.Y. 212, 221 (1916). Moreover, the U.S. Supreme Court noted:

it is impossible to determine with certainty what construction was put upon an act by the members of a legislative body that passed it by resorting to the speeches of individual members thereof. Those who did not speak may not have agreed with those who did; and those who spoke might differ from each other.

*Majewski*, 91 N.Y.2d at 586 (quoting *U.S. v. Freight Assn.*, 166 U.S. 290, 318 (1897)).

In *U.S. v. Taylor*, 487 U.S. 326, 345-46 (1988), the majority alluded to a floor debate containing the following quote:

Mr. Dennis... I have an amendment here in my hand which could be offered, but if we can make up some legislative history which would do the same thing, I am willing to do it.

Indeed as Kenneth Starr noted: “the use of legislative history has the further danger of introducing the non-political branch [the courts] into the political process of legislation.” Kenneth A. Starr, *Observations About the Use of Legislative History*, 1987 Duke L.J. 371, 376. It follows that, indicators of legislative intent

such as declarations during floor debates should be cautiously used. *See Majewski*, 91 N.Y.2d at 586.

Appellant's use of post enactment statements is also unpersuasive. *See Majewski*, 91 N.Y.2d at 586-587 (little weight should be accorded to the postpassage opinions because such statements suffer from the same infirmities as those made during floor debates by legislators). We recognize that the funds were not dispersed, which is the reason for this case, however that fact is irrelevant to the plain language of the statute and is unavailing to the determination of the legislative intent.

Not only is legislative history unnecessary in this instance to determine the clear intent of Chapter 51, the legislative history that Appellant points to for support are incompetent aids to the Court in determining the meaning the of Chapter 51. As such, the lower court was unquestionably justified in its determination that the floor debates were unavailing.

### POINT III

#### **STATUTES SHOULD BE INTERPRETED AS A WHOLE TO SERVE THE OVER-ALL LEGISLATIVE GOAL**

The Appellant attempts to further support its position by looking to legislation enacted after the statute at issue to determine that Chapter 51 was not self-executing. Specifically, Appellants point to Chapter 567 of the Laws of 2010 (“Chapter 567”) that created a quadrennial commission, named the Special Commission on Judicial Compensation, “to examine, evaluate and make recommendations with respect to adequate levels of compensation and non-salary benefits for judges and justices of the state-paid courts of the unified court system.” L. 2010, ch. 567, § 1(a). This Commission issued its final report in August 2011, recommending that the New York State Judges and Justices receive a salary increase, effective April 1, 2012, as long as the Legislature or Governor does not modify or veto the recommendation. The Appellant argues that if Chapter 51 was self-executing, there would have been no need to establish the Compensation Commission. App. Br. 34.

The Appellant, however, again looks past the plain text of Chapter 567, which merely creates a commission to evaluate and make recommendations as to judicial compensation. This statute is clearly not at odds with the lower court’s decision, nor does it provide any support that Chapter 51 is not self-executing.

Chapter 51 provides for increased judicial compensation and Chapter 567 provides for the creation of a commission to continue to evaluate judicial compensation.

Moreover, the Appellant fails to address the well-established principle of statutory interpretation, that statutes are to be interpreted as a whole, giving the words a meaning which serves rather than defeats the over-all legislative goals. *See e.g., Matter of Allstate Ins. Co. v. Shaw*, 52 N.Y.2d 818, 820 (1980) (finding that the interpretation of statutes relating to uninsured motorist coverage must be interpreted as a whole); *Matter of Ador Realty, LLC v. D.H.C.R.*, 25 A.D.3d 128, 134 (2d Dep't 2005) (rules of statutory construction require various parts of the statutory scheme be harmonized, reading and construing them together in a manner most consistent with the overall legislative intent). The Court of Appeals in *Maron* stated that “[a]ll parties to this litigation [which included the Governor, Senate and Assembly] agree that article VI justices and judges have earned and deserve a salary increase.” *Maron*, 14 N.Y.3d at 245. The lower court noted that the Appellant indeed whole-heartedly agreed with the recent Court of Appeals statement that the judges and justices have earned and deserve a salary increase. *See Exhibit A. at 3.*

Despite the overall goal to provide a judicial salary increase, funds have not been dispersed to the Office of Court Administration. The lower court's decision is not contradictory nor does it work any harm or produce an absurd result. The

order of the lower court to pay the judges and justices the adjustment in compensation from the funds appropriated by Chapter 51 provides the remedy for the years and years in which the Judges and Justices have gone without a raise.<sup>4</sup>

## CONCLUSION

The Proposed *Amici* respectfully adopt and support the legal arguments of the Respondents, as set forth in their papers filed in this Court.

For the foregoing reasons, and those set forth in the Respondents' papers, the Proposed *Amici* respectfully submit that this Court should affirm the Supreme Court's decision declaring that the compensation of the judges and justices of the Unified Court System has been duly increased pursuant to the Chapter 51, and that the Appellant is obligated to pay the Judges and Justices of the Unified Court System of the State of New York in accordance therewith, retroactive to April 1, 2009, together with costs and disbursements.

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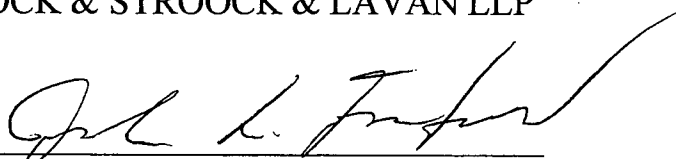
<sup>4</sup> Chapter 567 provides for a completely different remedy, which is that judicial compensation is evaluated individually and will not be held hostage to political jockeying in the future by the Legislature and Governor.



Dated: New York, New York  
December 15, 2011

STROOCK & STROOCK & LAVAN LLP

BY



Joseph L. Forstadt  
180 Maiden Lane  
New York, New York 10038  
(212) 806-5400

Counsel for *Amici Curiae*

Of Counsel:

Alan M. Klinger  
Ernst H. Rosenberger  
Burton N. Lipshie  
Jerry H. Goldfeder  
Linda M. Melendres

## CERTIFICATE OF COMPLIANCE

I hereby certify pursuant to 22 N.Y.C.R.R. 670.10.3(f) that the foregoing brief was prepared on a computer.

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Dated: New York, New York  
December 15, 2011

STROOCK & STROOCK & LAVAN LLP

Joseph L. Forstadt  
180 Maiden Lane  
New York, New York 10038  
(212) 806-5400

Counsel for *Amici Curiae*



To Be Argued by  
STEVEN COHN  
15 Minutes Requested

SUPREME COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION: SECOND DEPARTMENT

-----x  
EMILY PINES, DAVID DEMAREST, JEFFREY  
D. LEBOWITZ, STEPHEN FERRADINO, RALPH  
A. BONIELLO, III and JOSEPH CALABRESE,

App. Div. No.  
2011-02821

Plaintiffs-Respondents,

-against-

STATE OF NEW YORK

Defendant-Appellant.  
-----x

BRIEF FOR RESPONDENTS

STEVEN COHN, P.C  
*Attorney for Defendants-Respondents*  
ONE OLD COUNTRY ROAD  
SUITE 240  
CARLE PLACE, NEW YORK 11514  
(516) 294-6410

On the brief:  
Steven Cohn  
Richard Lieb  
Paula Schwartz Frome

RECEIVED  
NYS OFFICE OF THE ATTORNEY GENERAL

APR 11 2012

*Sheridan*

OFFICE OF LEGAL RECORDS  
ALBANY, NEW YORK 12247

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SUPREME COURT OF THE STATE OF NEW YORK  
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App. Div. No.  
2011-02821

Plaintiffs-Respondents,

-against-

STATE OF NEW YORK

Defendant-Appellant.  
-----x

**BRIEF FOR RESPONDENT**

Preliminary Statement

Respondents respectfully submit this brief in opposition to the Defendant-Appellant's appeal of the Judgment of the Supreme Court of Nassau County (Murphy, J.) dated March 16, 2011, which granted the Plaintiffs summary judgment declaring that the compensation of the Judges and Justices of the Unified Court System was increased pursuant to the Laws of 2009, Chapter 51 § 3, and directing the State of New York to pay the Judges and Justices of the Unified Court System of the State of New York in accordance therewith, retroactive to April 1, 2009.

It cannot be emphasized enough that this case is not about the conceded egregious deprivation of fair and equitable compensation for the Judges and Justices of the New York Unified Court System, as found in *Maron v. Silver*, 14 N.Y.3d 230 (2010). Nor is it about the State's after-the-fact attempt to address



its self-created constitutional crisis when it established the Special Commission for Judicial Compensation. The argument regarding this Commission, despite its dubious relevance, was available to the State in the trial court but was never raised or mentioned, and is thus unavailable here. *Miguel v. 41-43 Owner's Corp.*, 57 A.D.3d 488, 490 (2d Dept. 2008); *Losito v. City of New York*, 38 A.D.3d 854, 855 (2d Dept. 2007).

Rather, this case is simply an attempt to enforce a clear and unambiguous adjustment of judicial compensation in the 2009-2010 budget, granted by the Legislature and signed into law by the Governor, which had no strings attached and no language of limitation.

The meaning of the statute is clear and indisputable. By removing any limiting language, and by adopting the full amount requested by the Judiciary, the Legislature passed, and the Governor signed, a self-executing appropriation of \$51,006,759 to adjust judicial salaries for the 2009-2010 budget year. The Appellant's attempts to parse the statutory language, the holding of the Court of Appeals in *Maron v. Silver, supra*, and non-binding comments by legislators and others, do not change the unmistakable meaning of this enactment. This Court should affirm the judgment of the lower court, and order judicial pay to be adjusted, retroactive to April 1, 2009.

### QUESTION PRESENTED

Whether the Court below correctly held that Chapter 51. of the Laws of 2009, passed without qualification or limitation based upon the request of the Judicial branch, was effective to adjust judicial salaries retroactive to 2009.

## FACTS

As the Defendant-Appellant (hereinafter, "the State") has conceded, the failure of the Legislature to raise the salary of the judges and justices of New York for more than a dozen years<sup>1</sup> constituted a continuing scandal in this State, and a threat to the functioning of a co-equal branch of government. In recognition of the fact that a raise was both merited and long overdue, the Legislature passed a Judiciary budget, containing a judicial salary adjustment, every year since 2005. The 2006 budget, retroactive to 2005, expressly made the allocation of funds contingent upon the passage of "a chapter of the Laws of 2006." No such "chapter" was passed and, therefore, no raise was effectuated. See *Maron v. Silver*, 14 N.Y.3d 230, 249-250 (2010).

For the 2009-2010 fiscal year, \$51,006,759 was appropriated for judicial salary adjustments, without any language in the statute designed to make the enactment contingent on any further legislative action (80)<sup>2</sup>. As explained in the Executive Summary § 2(b)(1) to the Judiciary Budget (142-143), upon which the amount appropriated was based, the base salary of a Justice of the Supreme Court would be \$162,100 effective April 1, 2005;

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<sup>1</sup> Although plaintiffs contend that the Legislature did adjust judicial salaries in 2009, payments to the judges and justices have continued at the 1999 levels.

<sup>2</sup> Parenthetical references are to the record on appeal, unless otherwise noted.

\$165,200, effective April 1, 2006; \$169,300 effective April 1, 2008; and an annual salary of \$174,000, equaling that of a judge of the United States District Court effective April 1, 2009. The Executive Summary, in §§2(b)(2)-(6) then set forth the percentages to adjust the salaries of all of the other judges and justices of the New York State Unified Court System<sup>3</sup>.

Apparently satisfied with the amounts set forth, the Legislature passed, and the Governor signed, as Chapter 51 of the laws of 2009, the 2009-2010 judiciary appropriation. However, notwithstanding the clear language of the statute, Judges and Justices have not been paid the adjusted compensation. Therefore, the plaintiffs commenced this action, seeking a declaration that the salaries of the Justices and Judges have been adjusted in accordance with the unambiguous, unconditional appropriation enacted into law as Chapter 51 of the Laws of 2009.

Upon the filing and service of the action, the State made a motion to dismiss, contending that the appropriation was ineffective to raise judicial salaries (29-30). The plaintiffs cross moved for summary judgment declaring that judicial salaries had been adjusted by Chapter 51 §3 (114-116). On January 14, 2011, the Supreme Court issued an Order treating

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<sup>3</sup> It should be noted that the proportional salary differences among the Judges and Justices set forth in the Executive Summary are derived exactly from the Judiciary Law.

defendant's motion to dismiss as a motion for summary judgment, and directing the parties to submit additional proof, if desired (270-271). No additional proof was submitted.

On March 10, 2011, the Supreme Court issued an order declaring that Chapter 51 §3 of the Laws of 2009 constituted a complete and binding appropriation obligating the State of New York to pay the judges and justices of the Unified Court System in accordance therewith, retroactive to April 1, 2009 (16). The State of New York appealed and, consequently, the salary of the judiciary has not yet been adjusted in accordance with the duly enacted budget of 2009-2010.

POINT

**THE APPROPRIATION OF JUDICIAL SALARY  
ADJUSTMENTS WAS, UPON PASSAGE,  
COMPLETE, UNCONDITIONAL AND FINAL**

In Chapter 51 of the Laws of 2009, the Legislature passed an unconditional and effective allocation of \$51,006,759 to immediately adjust judicial salaries. In attempting to persuade this Court that the Court below erred in so recognizing, the State relies upon a careful and unduly selective parsing of the holding of the Court of Appeals in *Matter of Maron v. Silver*, 14 N.Y.3d 230 (2010) ("*Maron*") that distorts the holding of the Court of Appeals. The State further relies upon isolated statements made during legislative debate, and *post hoc* statements by supporters of a subsequently-enacted (and completely irrelevant to the issue presented here) Special Commission on Judicial Compensation<sup>4</sup>. Nothing the State cites can change the plain meaning of the statute, and the Court below was correct in directing the State of New York to make payments in accordance therewith.

**The Appropriation was Intended to Be, and Was, Final and Effective to Adjust Judicial Salaries.**

In prior ineffective enactments to adjust judicial salaries in 2006, the disbursement of the amounts allocated for judicial

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<sup>4</sup> A motion to strike those portions of the State's brief which refer to and/or rely upon the after-the-fact enacted Special Commission on Judicial Compensation was referred to the Bench hearing this Appeal (Order dated February 16, 2012).

raises was expressly made limited by a clause establishing a condition precedent to its effectiveness such as "pursuant to" or "subject to" subsequent legislative action. The enactments of 2007 and 2008 contained the same conditions. As the Court of Appeals stated in *Maron, supra*, this limiting language, standing alone, vitiated the enactment unless another law was passed, effectuating the allocation<sup>5</sup>. However, in Chapter 51 of the laws of 2009, the Legislature deliberately struck those limiting words from the legislation (98)<sup>6</sup>.

The undeniable clarity of the unconditional appropriation set forth in Chapter 51 renders it final and effective. The State's contention that, in spite of the fact that the language of limitation was expunged, Chapter 51 requires further legislative action to be effective is contrary to all recognized rules of statutory construction as well as to the holding in *Maron*. The argument presumes that the specific, intentional omission of the language requiring the passage of another chapter of the laws of 2009 to effectuate the judicial salary adjustment was a hollow exercise. To the contrary, the intentional omission of the "pursuant to" language can only mean

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<sup>5</sup> The Court of Appeals did not hold that the "chapter of the laws of 2006" had to specifically amend Judiciary Law §7-B in order to be effective, as suggested by the State. It simply held that an additional enactment was necessary, in light of the language used in that chapter.

<sup>6</sup> This can be seen from the originally introduced budget bill which included the later stricken "pursuant to a subsequent chapter" language.

that the appropriation was immediately effective. See, *Maron, supra*.

As a general rule, the court's role in interpreting a statute is to ascertain the legislative intent from the words and language that are used. *People v. Finnegan*, 85 N.Y.2d 53, 58 (1995). The Court must construe a statute according to its natural and most obvious sense, without resorting to an artificial or forced construction. Statutes §94.

Where the Legislature fails to include a significant provision in a statute, there is a strong presumption that it was intentionally omitted<sup>7</sup>. Statutes §74. Where a prior act includes a specific, limiting provision and, upon reenactment, the new statute excludes that provision, the inference is irresistible that the Legislature intended to omit the absent provision. Statutes §240. If the Legislature had intended to include language mandating an additional law to effectuate adjustments to judicial compensation, it could easily have done so; as it did in 2006, 2007 and 2008. Moreover, where, as here, there is a statute purporting to re-authorize salary adjustments, any matter omitted is deemed to be intentionally omitted. Statutes §194. Thus, the failure to include language requiring an additional appropriation, together with the

---

<sup>7</sup> This is especially true where such language was in the original bill and was then purposely removed in the subsequently adopted bill.



striking of the necessity for the amendment of the Judiciary Law or any other legislative action from the final appropriation, must be construed to make the appropriation immediately effective.

Here, the State contends that the language of the appropriation, - albeit clear and unambiguous - is not sufficient to adjust judicial salaries, because the Legislature did not amend the Judiciary Law. The effect of this argument is to negate the language adjusting judicial salaries, and make the appropriation meaningless. A Court cannot interpret a statute in such a way as to make its essential provisions meaningless and ineffective. *Ivey v. State*, 80 N.Y.2d 474, 481 (1992). In any event, consistent with the long-standing holdings in *People v. Tremaine*, 252 N.Y. 27 (1929), and *Pataki v. New York State Assembly*, 4 N.Y.3d 75 (2004)<sup>8</sup>, the lump-sum appropriation for judicial salary adjustments supersedes the specific provisions of the Judiciary Law.

Moreover, the legislative intent to pass an immediate judicial salary adjustment can be presumed from the passage of an identical provision for the 2010-2011 budget year, after the Court of Appeals decision in *Maron, supra* was handed down. It must be presumed that, in re-enacting the same unconditional lump sum appropriation as it enacted in 2009, the Legislature

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<sup>8</sup> See discussion *infra*.

was aware of the holding of the *Maron* Court, rendering the salary adjustment immediately effective. *Guardian Life Ins. Co. of America v. Joseph*, 272 A.D. 481 (1<sup>st</sup> Dept. 1947); *State v. Boar's Head Provisions, Co.*, 46 Misc.2d 418 (Sup. Ct., N.Y. Co. 1965).

The appropriation for judicial salary adjustments does not contain any proviso whatsoever that an additional legislative enactment is necessary for its validity. Therefore, the 2009-2010 budget, as enacted, was immediately effective to adjust judicial compensation.

#### **The Holding in *Maron* Supports Respondent's Position**

In holding the 2006 appropriation to be ineffective to raise judicial salaries, the Court of Appeals, in *Maron*, stated:

The \$69.5 million referenced in the judicial budget was explicitly made contingent upon the adoption of additional legislation, i.e. a chapter of the Laws of 2006. Had the Legislature intended that the judicial compensation appropriation be self-executing, as petitioners claim, there would have been no need for the qualifying language. Moreover, a mere provision calling for a lump-sum payment of \$69.5 million without repeal or revision of the Judiciary Law article 7-B judicial salary schedules is further evidence that additional legislation was required before the funds could be disbursed. *Maron* at 249-250 (emphasis added).

Unlike *Maron*, in the present case there was more than a "mere provision" for a lump sum. The "qualifying language" upon which the Court of Appeals relied was deliberately excised from the 2009 appropriation by the Legislature. Thus, the "further

evidence" of the failure to amend Judiciary Law Article 7-B is unnecessary to consider. As the Supreme Court below stated:

In this case, however, the fact that the language requiring additional enabling legislation was removed from Chapter 51 constitutes overwhelming and irrefutable evidence that such additional legislation is not required to effect the salary increase. Thus, the absence of such a mandate obviates the need to look to "further evidence." The fact that the legislature has not amended the Judiciary law Article 7-B salary schedules does not have the same significance here, as it did for the legislation considered in *Maron*. (14).

This conclusion is reinforced by the Court of Appeals in *Pataki v. New York State Assembly*, 4 N.Y.3d 75 (2004) ("*Pataki*"), holding that the fact that appropriations are usually made by passing or amending a specific statute does not create a constitutional requirement for that method of appropriation<sup>9</sup>.

Here, the Legislature allocated \$51,006,759, which was the exact number requested by the Judiciary. That number was calculated in the Executive Summary to lead to the requested 2009 salary adjustment for the Judges and Justices. This is "further evidence" that Chapter 51 was intended to be final and effective to adjust judicial salaries. Under the *Maron* holding, the Court below correctly found that judicial salaries had been adjusted.

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<sup>9</sup> Indeed, to the extent that it can be considered relevant, and is not *dehors* the record, it should be noted that the judicial salary increase granted by the Special Commission on Judicial Compensation for future salary adjustments was accomplished *without* legislative enactment of an amendment of Judiciary Law Article 7-B.

The State's argument to the contrary, based upon non-binding *dictum* in the *Maron* decision, cannot change the plain holding of the Court of Appeals, any more than their selective reading of Chapter 51 §3 of the Laws of 2009 can change the clear meaning and intent of that enactment.

**The Appropriation Completely Established Judicial Salaries Within the Meaning of the New York State Constitution.**

The State further contends that Chapter 51 was not effective to adjust judicial salaries because it did not fulfill the requirement, in Article VI § 25(a) of the New York State Constitution that judicial salaries be "established by law." This, in turn, is based upon the State's further attempt to deliberately ignore the relevant case law demonstrating without doubt that the appropriation was sufficiently "established" to be constitutionally effective.

The allocation in Chapter 51 was based upon the budget submitted by the Judiciary, which, in its Executive Summary, set forth a detailed distribution of the money needed for the specific salary increase requested. The Legislature then allocated the exact amount of money requested, without conditioning the enactment on any future amendment of the Judiciary Law. This is sufficient to "establish" Judicial salaries. See, *Pataki, supra* at 96.

In *Pataki, supra*, the Court of Appeals held that the Legislature was not limited to one form of budgetary appropriation under the New York State Constitution. There, the Governor and the Legislature disputed, *inter alia*, whether the Governor had the authority to propose an allocation for school aid that differed from the previous allocations in that it was significantly more detailed, thereby limiting the Legislature's right to determine how school aid was to be distributed. In previous years, budget bills allocated a lump sum for school aid, and the distribution formula was contained in the provisions of the Education Law. Such formulation gave the Legislature more control over the allocation of school aid among various school districts. The formula put forth by the Governor favored New York City schools. The Legislature passed the allocation, but deleted the formula proposed by the Governor, claiming it to be unconstitutional.

The *Pataki* Court found the Legislature's actions to be unconstitutional. It held that the degree of itemization required in a budget bill was whatever detail was necessary for the Legislature to decide if the expenditure was warranted. If the Legislature believes that the proposed budget is so lacking in specificity as to preclude it from exercising its constitutional function to review the proposed expenditure, its remedy is to refuse to pass it. If it does not like the way the

money is allocated, its remedy is similarly to refuse to pass it. *Pataki* at 96. Accordingly, the Legislature had no right to change the Governor's allocation once the budget had been approved.

Similarly, in *People v. Tremaine*, 252 N.Y. 27 (1929) ("*Tremaine*"), the Governor proposed a budget making lump sum appropriations for certain departments, and giving the Governor the power to create an itemized list of the positions and salaries covered by the lump sum appropriation, after the Legislature passed the appropriation. The Legislature passed the appropriations, but deleted the power of the Governor to allocate the funds, instead adding a clause calling for the participation of the chairs of the legislative finance committee in the allocation of the money. The Governor signed the bill, but stated that the provision mandating the legislature's participation in the allocation was unconstitutional.

The Court of Appeals agreed with the Governor's position. It held that the power to allocate the sums appropriated by the legislature is administrative, not legislative, stating:

The head of the department does not legislate when he segregates a lump sum appropriation. The legislation is complete when the appropriation is made. *Id.* at 44. (Emphasis added).

Thus, the power to appropriate is solely within the province of the Legislature. However, once a budget is enacted,

the legislature can no longer be involved in the allocation of the appropriated funds. That burden falls to the Executive agency or, in this case, the Judicial branch to which the funds were appropriated. A contrary approach urged by the Legislature in *Pataki* was that the "usual" form of an educational aid allocation was to briefly specify the dollars and recipients, and leave the formula to other legislation. The Legislature contended that this was the only way in which such allocations could be made. In response, the Court of Appeals found that the manner in which money is allocated for schools, whether in an appropriation bill or in other budget legislation is a political choice, as nothing in the constitution requires any particular form of a budget bill. *Pataki* at 98.

Contrary to the State's position here, the *Pataki* Court held that there was nothing in the New York State Constitution requiring that, once the Governor or the Legislature elected to deal with the appropriation of funds in one manner, that practice becomes immutable. *Id.* Thus, it was unnecessary, in *Pataki*, to amend the Education Law in order to allocate school funding, as had been done in the past (*Pataki* at 97-98; see also *Tremaine* at 45), just as it is unnecessary to amend the Judiciary law to render Chapter 51 final and enforceable (see *Maron, supra* at 249-250).

The *Pataki* Court, in its decision, relied upon *Saxton v. Carey*, 44 N.Y.2d 545 (1978) ("*Saxton*"). In *Saxton*, the plaintiffs, citizen taxpayers, brought an action alleging that the budget proposed by the Governor and passed by the Legislature was insufficiently "itemized." Therefore, the Legislature argued that it was not able to properly perform its function in reviewing the budget. In rejecting this argument, the Court held that, while "itemization" was required for a budget bill, the amount of itemization necessary was for the Legislature, and not the Court, to determine. *Saxton* at 550-551.

Here, in adopting the lump sum of \$51,006,759, which number was based upon the calculations in the Executive Summary presented to it by the Judicial Branch, instead of setting forth individual salaries at length, the Legislature can only have been fully satisfied with the "itemization" therein presented<sup>10</sup>. It eschewed the need for further legislative action, as had been previously required in the three prior budgets. See, *Maron* at 249-250. Contrary to the allegation of the State in this case, there was no need to have amended the Judiciary Law, once the Legislature determined to adopt the lump sum appropriation

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<sup>10</sup> The State's contention that Chapter 51 lacks sufficient itemization because it covers "other services and expenses" lacks merit. Chapter 51 provides that the primary allocation is to be used as "necessary" to fund the salary adjustment, with any remaining funds to be available for such services and expenses. This, in turn, confirms that the money is irrevocably allocated to the Judicial branch, and no longer subject to Legislative control.



without retaining the ability to control the manner in which the money was spent, based upon the itemization provided by the Judicial branch. See, *Pataki* at 95-96, *Saxton* at 550-551.

The *Saxton* Court, in its decision, adopted the dissenting opinion of Judge (later Chief Judge) Breitel in *Hidley v. Rockefeller*, 28 N.Y.2d 439, 440-446 (1971). The *Saxton* Court held that the constitution does not prescribe any particular degree of itemization for a budget bill. There is no inflexible definition of the word "itemize." The only question is whether the Legislature deems the itemization sufficient for it to perform its constitutional review function. This, in turn, is not a question to be answered by the Court. At the Court state in *Saxton* at 550-551:

[T]he degree of itemization necessary in a particular budget is whatever degree of itemization is necessary for the legislature to effectively review that budget. This is a decision which is best left to the Legislature, for it is not something which can be accurately delineated by a court. It is, rather, a function of the political process, and that interplay between the various elected representatives of the people which was certainly envisioned by the draftsmen of the Constitution. Should the Legislature determine that a particular budget is so lacking in specificity as to preclude meaningful review, then it will be the duty of that Legislature to refuse to approve such a budget.

Similar to the State's contention here, another item objected to by the *Saxton* plaintiffs was the fact that certain items in the budget allowed the interdepartmental transfer of funds, without the necessity for the Legislature to pass upon

such transfers. Again, the Court soundly rejected that contention, and held such transfer to be within the constitutional powers of the Governor and the Legislature. By such reasoning, a finding of a completed adjustment to judicial compensation must be affirmed.

Once the Legislature passes the Governor's proposed budget, it must be presumed that the Legislature found it to be sufficiently itemized for it to accomplish the stated purpose. *Saxton, supra* at 550-551. Thus, there is no necessity for the Court to intervene in the equation, and the Budget is effective as passed. *Id.* In this case, once the Legislature made the allocation requested by the Office of Court Administration ("OCA") all that remains is for the OCA to allocate the appropriated funds in accordance with the formula announced in the Executive Summary. However, the funds have not been disbursed and paid to the Judges and justices in accordance with the stated OCA allocation, despite the clear intention of the statute.

Neither the *Pataki* Court nor the *Saxton* Court held that a Court cannot be involved in the budget process. Indeed, in fulfilling its constitutional role, the Court must always be available to resolve disputes about the scope of the budget function, as it passes on the validity of all challenged legislation. Thus, in *Pataki*, the Court affirmed the validity

of the budget as originally passed, and struck down the Legislature's attempt to alter it beyond the limit of its constitutional power. In *Saxton*, the Court held that the budget, as passed, was proper and enforceable. In *Tremaine, supra*, the Court upheld the enacted budget, striking the provision that allowed legislators to participate in the allocation process after the budget was enacted into law.

Under the holdings of the Court of Appeals in *Pataki, Tremaine* and *Saxton*, the lump sum proposed by the Chief Judge for the Unified Court System, presented by the Governor, and enacted by the Legislature - without change or limitation, for judicial salary adjustments was sufficient, standing alone, once signed into law by the Governor, to cause the immediate adjustment of judicial salaries, and did "establish" those salaries within the meaning of the New York State Constitution.

The fact that judicial salaries are "usually" adjusted by an amendment to the Judiciary Law is irrelevant, because that practice is not "immutable" or constitutionally required. *Pataki, supra* at 98. The Executive Summary contained the proposed salaries of each of the Judges and Justices of the State of New York for the 2009-2010 year in which the adjustment was to be effective. The Legislature must be presumed to have reviewed the summary, and to have been satisfied with both the level of itemization and the allocations contained therein,

because it passed that provision of the budget without amendment, and without qualification. This legislative intent is plainly demonstrated by Chapter 51, as it was enacted into law. The clause which stated "pursuant to a subsequent Chapter of the law specifying such salary levels" was specifically **stricken** in the final version of the enacted appropriation, leaving the lump sum appropriation final and effective.

Moreover, the fact that a budgetary allocation was made, without limitation, is sufficient to cause the expenditure of the funds for the stated items. Legislative attempts to re-purpose the expenditures by changing their purpose are void, and the allocation remains effective. *Pataki* at 98-99; *Tremaine* at 45.

To hold that this appropriation, like the 2006 appropriation, is insufficient to adjust judicial salaries is to assume that the legislature has engaged in "gamesmanship" in regard to judicial compensation. (16). As the Court below noted:

Rather than declaring that the Legislature has engaged in subterfuge, this Court finds that Chapter 51 was properly enacted by the legislature, and the Court will draw the only appropriate conclusion as to the words chosen by the Legislature in effectuating its constitutional duty. Clearly, the constitutional requirement that judicial compensation be "established by law" is met by Chapter 51, as enacted. Lack of itemization in, and the absence of additional enabling legislation for Chapter 51, are not fatal, nor is the absence of revisions to the judicial salary schedules set forth in the judiciary law. The State

Constitution does not mandate a specific format for judicial salaries, and consequently, Chapter 51 is enforceable as it stands. To hold otherwise would render Chapter 51 meaningless... (16).

**The Statements of a Few Legislators, and Post Hoc Events, Cannot Change the Plain Meaning of the Statute**

The final prong of the Appellant's argument is based upon the isolated statements of a very few legislators, and *post hoc* statements regarding the later established (and *dehors* the record) Special Commission on Judicial Compensation<sup>11</sup>.

The State cites to statements by a few of the legislators who considered Chapter 51 as evidence that, despite the clear statutory language therein, the legislature did not intend to adjust judicial salaries. Statements by a few legislators are not relevant to a determination of legislative intent. *People v. Newman*, 32 N.Y.2d 379, 390 (1973); *Woolcott v. Schubert*, 217 N.Y. 212, 221 (1916) ("... opinions of legislators uttered in the debates are not competent aids to the court in ascertaining the meaning of statutes"); *United States v. Trans-Missouri Freight Ass'n.*, 166 U.S. 290, 318 (1897) ("Those [legislators] who did not speak may not have agreed with those who did...").

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<sup>11</sup> As noted in the Preliminary Statement, *supra* at 2, the legislation creating the Special Commission on Judicial Compensation was enacted one month prior to Justice Murphy's call for additional submissions on January 11, 2011 (270). The State did not bring this legislation to her attention. Such argument is thus not only *dehors* the record, but also improperly raised for the first time on this appeal, negating this Court's consideration of it. *Miguel v. 41-43 Owner's Corp.*, *supra*; *Losito v. City of New York*, *supra*.

The only case relied upon by the State in regard to the use of Legislative debate in statutory interpretation is *United States v. St. Paul, M & M. Ry. Co*, 247 U.S. 310 (1918). However, that case provides no support for the State's position. In explaining the proper (and extremely limited) use of legislative debate, the Supreme Court stated:

The remarks of Mr. Lacey, and the amendment offered by him, in response to an objection urged by another member during the debate, were in the nature of a supplementary report of the committee; and as they related to matters of common knowledge they may very properly be taken into consideration as throwing light upon the meaning of the proviso; not for the purpose of construing it contrary to its plain terms, but in order to remove any ambiguity by pointing out the subject-matter of the amendment. *Id.* at 318 (emphasis added).

Here, the meaning of the legislation is clear and unambiguous. The State's arguments are designed, not to clarify the meaning of the statute, but to persuade this Court to reinterpret the statute in a manner that is contrary to its plain terms. That is something that a Court cannot do. *Matter of Chemical Specialties Manufacturer's Association v. Jorling*, 85 N.Y.2d 382, 394 (1995); *In Re Gilmore*, 87 A.D.2d 145, 152 (2d Dept. 2011).

Similarly irrelevant are the statements regarding the creation of the Special Commission on Judicial Compensation, even if those *dehors* the record remarks could properly be considered by this Court. The only question before this Court

is what the Legislature did in 2009; the question of what it did to avoid being in contempt of the holding of the Court of Appeals in *Maron* is not the issue.

In *People v. Miller*, \_\_\_ N.Y.3d \_\_\_, 2012 W.L. 952118 (Court of Appeals, March 22, 2012), the Governor, in signing legislation regarding the proper interpretation of a verdict sheet, stated that the legislation would eliminate an automatic reversal rule. The Court of Appeals rejected this signing memorandum and ruled that the legislation could not be interpreted to do what the Governor claimed, stating:

We recognize that, as the dissent points out, it was the Governor who proposed the 1996 amendment, and his view of what it means is relevant legislative history. But legislative history cannot supply something that is just not in the statute. *Id.*

Here, the State relies, not upon statements regarding the enactment in issue, but upon subsequent statements by supporters of another bill, also designed to correct the unconstitutional inequity of the 13-year judicial salary freeze. These statements cannot change the plain meaning of chapter 51 of the laws of 2009. Regardless of the remarks cited, this Court should interpret the statute in accordance with its plain meaning.

**CONCLUSION**

The judgment below should be affirmed.

Respectfully submitted,

STEVEN COHN, P.C.  
*Attorneys for Respondents*

By: *Steven Cohn*  
Steven Cohn, Esq.  
One Old Country Road  
Suite 420  
Carle Place, New York 11514  
(516) 294-6410

On the brief:

Steven Cohn  
Richard Lieb  
Paula Schwartz Frome



SUPREME COURT OF THE STATE OF NEW YORK  
APPELLATE DIVISION: SECOND DEPARTMENT

-----x  
EMILY PINES, DAVID DEMAREST, JEFFREY  
D. LEBOWITZ, STEPHEN FERRADINO, RALPH  
A. BONIELLO, III and JOSEPH CALABRESE,

App. Div. No.  
2011-02821

Plaintiffs-Respondents,

-against-

STATE OF NEW YORK

Defendant-Appellant.  
-----x

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JULIE M. SHERIDAN

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## Supreme Court of the State of New York Appellate Division – Second Department

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EMILY PINES, DAVID DEMAREST, JEFFREY D. LEBOWITZ,  
STEPHEN FERRADINO, RALPH A. BONIELLO, III AND  
JOSEPH C. CALABRESE,

*Plaintiffs-Respondents,*

-against-

THE STATE OF NEW YORK,

*Defendant-Appellant,*

---

### BRIEF FOR APPELLANT

---

ANDREW D. BING  
*Deputy Solicitor General*  
JULIE M. SHERIDAN  
*Assistant Solicitor General*  
*of Counsel*

ERIC T. SCHNEIDERMAN  
*Attorney General of the*  
*State of New York*  
Attorney for Appellant  
The Capitol  
Albany, New York 12224-0341  
(518) 486-5355  
OAG No. 10-115309

Dated: November 15, 2011

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## PRELIMINARY STATEMENT

Plaintiffs are judges and justices of the Unified Court System of the State of New York. In this declaratory judgment action, they claim that Chapter 51, § 3, of the Laws of 2009 - - which was part of the 2009-10 state budget - - retroactively increased their salaries and the salaries of all other state-paid judges and justices of the Unified Court System, and that the State has unlawfully withheld payment of this increased compensation. Chapter 51, § 3, appropriated a lump sum of \$51,006,759 "[f]or expenses necessary to fund adjustments" to judicial compensation, but neither that chapter nor any other legislation enacted during the 2009-10 fiscal year amended the existing judicial salary schedules specified in Judiciary Law article 7-B.

Defendant State of New York appeals from a judgment of Supreme Court, Nassau County, entered March 16, 2011, declaring that Chapter 51, § 3, increased judicial compensation and ordering the State to pay the full appropriated amount of \$51,006,759 to the judges and justices of the Unified Court System. The court below ordered that the funds be allocated among the judges and justices in accordance with a formula that was set



forth in the Judiciary's 2009-10 budget proposal but was deleted by the Legislature before the budget was enacted.

The judgment of the court below should be reversed. Chapter 51, § 3, does not authorize the disbursement of \$51 million to the judiciary to increase judicial salaries because it does not satisfy the constitutional requirement that judicial compensation be "established by law." N.Y. Const., art. VI, § 25(a). As the Court of Appeals explained in *Matter of Maron v. Silver*, 14 N.Y.3d 230, 250 (2010), "a mere provision calling for a lump-sum payment of [\$51] million without repeal or revision of the Judiciary Law article 7-B judicial salary schedules is further evidence that additional legislation was required before the funds could be disbursed." Thus, Supreme Court erred in holding that chapter 51, § 3, by itself increased judicial salaries.

The legislative history of Chapter 51, § 3, further supports this conclusion. After considering the Judiciary's proposed budget, the Legislature excised provisions specifying the increased salaries to be received by the judges. In addition, in debates at the time of the adoption of Chapter 51, the chairs of the Assembly Ways and Means Committee and the Senate Judiciary Committee, and the ranking member of the Senate

Finance Committee, all made crystal clear that section 3 did not enact a judicial pay raise. And events subsequent to the passage of the 2009 budget, including the *Maron* decision itself, the adoption of legislation creating the Special Commission on Judicial Compensation in late 2010, and the proceedings of the Commission, have further demonstrated that none of the relevant actors -- not the Court of Appeals, not the Legislature, not the Governor, and not the Judiciary -- viewed chapter 51 as having enacted a judicial pay raise in 2009. These parties all correctly believed that, notwithstanding the 2009 appropriation language, “[t]he last time the Legislature adjusted judicial compensation was in 1998.” *Maron*, 14 N.Y.3d at 244. Consequently, Supreme Court mistakenly concluded that chapter 51, § 3, “established by law” (N.Y. Const., art. VI, § 25[a]) an increase in judicial salaries, and the court’s judgment ordering the State to pay such salary increases to judges pursuant to a formula that the Legislature never adopted cannot stand.

### **QUESTION PRESENTED**

Whether Supreme Court erred in concluding that Chapter 51, § 3, of the Laws of 2009, which merely appropriated a lump sum of \$51,006,759 "[f]or expenses necessary to fund adjustments" to judicial compensation, increased judicial salaries, and further erred in ordering the State to pay such salary increases pursuant to a formula that the Legislature never adopted.

## STATEMENT OF THE CASE

### A. Constitutional and Statutory Background

From 1846 to 1909, New York's Constitution provided that judicial compensation would be "established by law," thus giving the Legislature the discretion to increase judicial compensation. *See* 1846 N.Y. Const., art. VI, § 7; Judiciary Article of 1869, art. VI, § 14; 1894 N.Y. Const., art. VI, § 12. In 1909, the constitution was amended and the requirement that judicial compensation be "established by law" was abandoned in favor of a constitutional salary schedule that fixed salaries for certain judges. *See* Judiciary Article of 1909, art. VI, § 19. These fixed salaries remained in place for more than 15 years.

The 1921 Judiciary Constitutional Convention recommended that discretion to increase judicial compensation be restored to the Legislature:

The compensation of judges should, in the judgment of the present convention, be left entirely to the Legislature, which after all is the body always directly in touch with and responsible to the people.

Judiciary Constitutional Convention of 1921, Report to Legislature, Jan. 4, 1922, Leg. Doc. 1922, No. 37, § 19, p. 29. Accordingly, in 1925, the New York Constitution was amended yet again, and the Compensation Clause took its present form. *See Carter, New York State Constitution: Sources of Legislative Intent*, p. 79 (2d ed.). The Compensation Clause, now found in article VI, section 25(a), provides, in pertinent part:

The compensation of a judge of the court of appeals, a justice of the supreme court, a judge of the court of claims, a judge of the county court, a judge of the surrogate's court, a judge of the family court, a judge of a court for the city of New York established pursuant to section fifteen of this article, a judge of the district court or of a retired judge or justice *shall be established by law* and shall not be diminished during the term of office for which he or she was elected or appointed.

(emphasis added).

Since 1925, the Legislature has, without exception, "established" judicial compensation by enacting session laws that set out specific salary schedules for various judges and justices. See L. 1926, chs. 94, 155; L. 1929, ch. 464; L. 1947, chs. 419, 462; L. 1948, ch. 591; L. 1949, chs. 45, 195; L. 1950, ch. 621; L. 1952, ch. 88; L. 1957, ch. 993; L. 1975, chs. 150, 152. In 1979, in accordance with the requirements of the Compensation Clause, the Legislature enacted article 7-B of the Judiciary Law, which specifies the salaries to be paid to judges and justices of the Unified Court System. L. 1979, ch. 55 (codified in Judiciary Law §§ 220-224). Since 1979, the Legislature has increased judicial pay five times. See L. 1980, ch. 881; L. 1984, ch. 986; L. 1987, ch. 263; L. 1993, ch. 60; L. 1998, ch. 630. Each time, the increase was effectuated by enactment of a session law that explicitly stated that it amended the salary schedules set forth in Judiciary Law article 7-B.

The Judiciary included funding for a judicial pay increase in its 2006-07 budget request to the Governor and the Legislature. The Legislature, beginning with the budget for fiscal year 2006-07, included an appropriation for a pay increase in the Judiciary Budget. The budget for fiscal year 2006-07 appropriated \$69.5 million for "Judicial Compensation

Reform" and provided that the appropriated amount was to fund "adjustments in the compensation of state-paid judges and justices of the unified court system pursuant to a chapter of the laws of 2006." See L. 2006, ch. 51, § 2. However, the Legislature did not subsequently enact a chapter law to amend the judicial salary schedules in Judiciary Law article 7-B or authorize the disbursement of the funds.

## **B. The *Maron* Decision and the 2006 Appropriation**

In early 2007, a group of current and former state court judges brought a combined C.P.L.R. article 78 proceeding and declaratory judgment action seeking an order of mandamus compelling the State Comptroller to disburse the \$69.5 million appropriated in L. 2006, Chapter 51, § 2, and compelling the Legislature and Governor to enact legislation to raise judicial salaries. They also asserted, among other things, that the Governor and Legislature had unconstitutionally linked judicial pay raises to legislative pay raises and legislative initiatives in violation of the separation of powers doctrine.

The Court of Appeals ultimately resolved the action in February 2010 in conjunction with two other cases involving judicial compensation,

*Larabee v. Governor and Chief Judge v. Governor. See Matter of Maron v. Silver*, 14 N.Y.3d 230 (2010). The Court held that the Governor and Legislature's failure to consider judicial compensation on its own merits, by tying it to unrelated legislative objectives and policy initiatives, violated the separation of powers doctrine. The Court directed that “judicial compensation, when addressed by the Legislature in present and future budget deliberations, cannot depend on unrelated policy initiatives or legislative compensation adjustments.” 14 N.Y.3d at 263.

However, the Court dismissed the *Maron* petitioners' cause of action seeking mandamus against the Comptroller, holding that the 2006 appropriation was not self-executing and additional legislation was required before the funds could be disbursed. The Court explained that:

The \$69.5 million referenced in the judicial budget was explicitly made contingent upon the adoption of additional legislation, i.e. a chapter of the Laws of 2006. Had the Legislature intended that the judicial compensation appropriation be self-executing, as petitioners claim, there would have been no need for the qualifying language. Moreover, *a mere provision calling for a lump-*

*sum payment of \$69.5 million without repeal or revision of the Judiciary Law article 7-B judicial salary schedules is further evidence that additional legislation was required before the*

*funds could be disbursed.*

14 N.Y.3d at 249-50 (emphasis added).

Meanwhile, the Governor and the Legislature had approved a state budget for 2008-09. It contained an appropriation of over \$51 million to fund judicial compensation adjustments "pursuant to a subsequent chapter of law specifying such salary levels." L. 2008, ch. 51, § 2. However, the Legislature did not subsequently amend article 7-B or authorize disbursement of those funds either. *See Matter of Maron v. Silver*, 14 N.Y.3d at 245.

### **C. The 2009 Appropriation at Issue Here**

In November 2008, the Judiciary submitted its 2009-10 budget request to the Governor and Legislature. Among other things, the Judiciary proposed raising judicial compensation retroactively to April 1, 2005. Section 2(b) of the Judiciary's budget proposal provided that "*[n]otwithstanding any other provision of law*, the compensation of state-paid judges and justices of the unified court system and of housing judges of the New York city civil court shall be adjusted in accordance with the following and such adjustments shall be funded from available



appropriations named in this act" (Record on Appeal ["R"] 142) (emphasis added). Section 2(b) of the proposal then listed specific adjustments to judicial salaries retroactive to April 1, 2005. For example, the salary of a justice of the supreme court was adjusted to \$162,100 effective April 1, 2005, \$165,200 effective April 1, 2006, \$169,300 effective April 1, 2008, and to a salary "equaling that of a judge of the United States district court" effective April 1, 2009 (R142). The salaries of other judges and justices of the Unified Court System were to be calculated by either adding or subtracting a certain percentage from the salary established for a justice of the supreme court (R142).

In section 3 of its budget proposal, the Judiciary included the following reappropriation:

**JUDICIARY-WIDE MAINTENANCE UNDISTRIBUTED**

General Fund / State Operations  
State Purposes Account - 003

By chapter 51, section 2, of the laws of 2008:

For expenses necessary to fund adjustments in the compensation of state-paid judges and justices of the unified court system and housing judges of the New York city civil court, [pursuant

to a subsequent chapter of law specifying such salary levels] *and for such other services and expenses specified in section two of this act.*

Personal service - regular.....51,006,759.....(re. 48,000,000)

(R155-156) (emphasis in original).

In accordance with article VII, § 1 of the N.Y. Constitution, the Governor incorporated the Judiciary's budget proposal in the Executive Budget without revision and submitted it to the Legislature. The budget bill for the Judiciary was introduced in the Legislature as A.151/S.51 (R34). Section 2(b) of the bill included the same "notwithstanding any other provision of law" language and the same specific adjustments to judicial salaries retroactive to April 1, 2005 that were present in section 2(b) of the Judiciary's proposal (R44-45, 58-59).

However, in late March 2009, the Legislature amended A.151/S.51 (R268). Section 2(b), which contained the "notwithstanding" language and the specific judicial salary adjustments, was completely deleted, although the \$51 million appropriation and its accompanying language in section 3 was retained (R85, 98). The bill was reprinted as A.151-A, and the Legislature ultimately enacted that version in April 2009 (R268).

Floor debates immediately before the enactment of the budget bill make clear that the deletion of the schedule of specific salary adjustments was no accident and that legislators in both the Senate and Assembly intended and understood that the \$51 million appropriation would not be disbursed unless additional legislation in the form of another chapter law in 2009 was enacted adjusting judicial salaries. In the Senate, the following exchange took place between Senator Sampson, the Chair of the Judiciary Committee, and Senator DeFrancisco, the ranking member of the Senate Finance Committee:

Senator DeFrancisco: Senator Sampson, in the Governor's proposed budget there was a pot of money designated for judicial salaries. And the understanding was out of the judiciary budget that was submitted by the judiciary and submitted by the Governor, that out of that money there was enough money available for a salary increase for the judiciary. I understand that the language authorizing such an increase is not in the final budget; is that correct?

Senator Sampson: That's correct.

\* \* \*

Senator DeFrancisco: In order for the judiciary to receive a salary increase from this budget, is it correct that there would have to be a separate bill

authorizing such an increase separate and apart from this budget?

Senator Sampson: That's correct, Senator. . . .

Senator DeFrancisco: One last question, I'm sorry, just to be clear.

\* \* \*

Senator DeFrancisco: Stated another way, the only mechanism for a judicial salary increase would be through a separate piece of legislation. And just because the same money is in the budget, that would not authorize, for example, the head of the Office of Court Administration or the Chief Judge of the Court of Appeals to simply grant an increase.

Senator Sampson: Through you, Mr. President, you are correct, Senator DeFrancisco.

(R254-257).

Similarly, the Assembly debate also made it clear that the appropriation was intended to provide authority for the payment of a judicial salary increase only if one was subsequently enacted, and that the lack of reference to the need for a subsequent chapter of the 2009 laws did not affect this meaning:

Mr. Farrell [Chair of the Assembly Ways and Means Committee]: As required by New York State's Constitution, judicial salaries are and have always been set by law, Article VII(B) of the

Judiciary Law. A reappropriation of potentially available monies cannot and does not change that law and what it certainly does not authorize is any salary increases. The notion that the Office of Court Administration has been somehow authorized or empowered to ignore both the New York State Constitution and Article VII(B) of the Judiciary Law *by some words stricken from an appropriation is 100 percent incorrect. Simply stated, some redundant words were removed, but these words could be replaced if that was deemed necessary to eliminate any contrived confusion in a chapter amendment. No New York State court in any case, and there have been several, has ever determined that judicial salaries could be adjusted without amendments to Article VII(B) of the Judiciary Law*

(R244) (emphasis added).

The Legislature did not enact legislation during the 2009-10 fiscal year to alter the judicial salary schedules contained in article 7-B of the Judiciary Law or take any other action to increase judicial salaries. Therefore, the salary schedules in article 7-B as amended in 1998 remained in effect.

**D. Chapter 567 of the Laws of 2010 - The Special Commission on Judicial Compensation**

In early 2010, the Governor and Legislature approved the 2010-11 state budget, which once again appropriated \$51,006,759 "for expenses necessary to fund adjustments in" judicial compensation (R226). Thereafter, in response to the Court of Appeals' decision in *Maron*, on November 30, 2010, legislation was introduced at a special session of the Legislature to create a quadrennial commission, named the Special Commission on Judicial Compensation ("Commission"), to "examine, evaluate and make recommendations with respect to adequate levels of compensation and non-salary benefits for judges and justices of the state-paid courts of the unified court system." L. 2010, ch. 567, § 1(a). The Senate introducer's memorandum in support of the bill reiterated that creation of the Commission was necessary because "[s]alaries of State-paid judges and justices of the Unified Court System were last increased pursuant to Chapter 630 of the Laws of 1998." Senate Introducer Mem. in Support, Bill Jacket, L. 2010, ch. 567, at 7-8. The bill passed the Legislature and the Governor signed it into law on December 10, 2010, to be effective immediately.

The Commission consists of seven members: three appointed by the Governor, including the Chair; two appointed by the Chief Judge of the

Court of Appeals; one appointed by the President of the Senate; and one appointed by the Speaker of the Assembly. L. 2010, ch. 567, § 1(b). Each Commission is required to meet and make a final, binding recommendation to the Governor, Legislature, and Chief Judge within 150 days of its establishment, which occurs on April 1 of every fourth year beginning in 2011. *Id.* § 1(h).

The first Commission held numerous meetings in the summer of 2011 and received several written submissions, comments and testimony. In a submission to the Commission on behalf of the Judiciary, Chief Administrative Judge Ann Pfau acknowledged that New York's judges had "gone without . . . a salary increase since January 1999," that "the last salary adjustment for New York's State-paid judges and justices was effective January 1, 1999 [L. 1998, ch. 630, § 16]," and that notwithstanding the efforts of the Judiciary to obtain a salary increase, "no pay reform legislation was enacted - - in 2005 or in any of the four succeeding years." New York State Judiciary Submission to Special Commission on Judicial Compensation, at 3, 11, and Supplemental Appendix, Attachment 5, at 18, and Attachment 6 (available at <http://www.judicialcompensation.ny.gov/assets/C%20-%20Office%20of%20>

Court%20Administration%20Supplemental%20Appendix.pdf).

On August 29, 2011, the Commission issued its Final Report (available at <http://www.judicialcompensation.ny.gov/assets/FinalReportSpecialCommissionJD.pdf>). The Commission recommended that all New York State judges receive phased-in salary increases over the next three fiscal years, starting on April 1, 2012, with no increase in fiscal year 2015-16. State Supreme Court justices would achieve salary parity with current Federal District Court judges by 2014-15; they would be paid \$160,000 in fiscal year 2012-13, \$167,000 in 2013-14, and \$174,000 in 2014-15. Other judges would receive proportional salary increases, either higher or lower depending on their assignment.

The Commission's recommendation "shall have the force of law, and shall supersede inconsistent provisions of article 7-B of the judiciary law, unless modified or abrogated by statute prior to April first of the year as to which such determination applies." L. 2010, ch. 567, § 1(h). Thus, absent legislative and executive action to modify or abrogate the Commission's recommendation, it will take effect on April 1, 2012.

#### **E. This Action and the Decision Below**



Plaintiffs commenced this action in July 2010 (before the creation of the Special Commission on Judicial Compensation), seeking judgment declaring that judicial compensation "has been duly increased" pursuant to Chapter 51, § 3, of the Laws of 2009 and that the State "is obligated to pay the judges and justices of the Unified Court System of the State of New York in accordance therewith retroactive to April 1, 2009" (R25-26).

The State moved to dismiss pursuant to C.P.L.R. § 3211(a)(7) for failure to state a cause of action (R29), and plaintiffs cross-moved for summary judgment (R114). In an order dated January 14, 2011, Supreme Court, Nassau County (Murphy, J.), converted the State's motion to one for summary judgment and informed the parties that any additional submissions were due by February 4, 2011 (R270-271). Neither party proffered any additional evidence.

In a decision and order dated February 9, 2011, the court granted plaintiffs' motion for summary judgment, declared that the compensation of the judges and justices of the Unified Court System was increased pursuant to Chapter 51, § 3, and declared that the State is obligated to pay those judges and justices "in accordance therewith, retroactive to April 1, 2009" (R16). The court held that the constitutional requirement that

judicial compensation be "established by law" was met by Chapter 51, § 3, as enacted, and that the appropriation was self-executing (R16).

In its decision, the court acknowledged that Chapter 51, § 3, lacked the itemization necessary to implement judicial pay raises, but concluded that the formula of specific annual salaries and percentage increases contained in the Judiciary's proposed budget bill could be used to "cure" this omission even though the Legislature had deleted that formula before it enacted the budget bill (R13). The court also concluded that the Legislature's failure to include the "pursuant to a subsequent chapter of law" language, which had been present in prior appropriations, "constituted overwhelming and irrefutable evidence that such additional legislation is not required to effect the salary increases" (R14). The court found the Assembly and Senate floor debates "unpersuasive" in this respect since they simply represented "debate about the issue" among "less than a handful of legislators" (R15).

Accordingly, in a judgment entered March 16, 2011, the court ordered the State to allocate and pay the \$51 million appropriation:

in accordance with the direction of the Office of Court Administration for the immediate distribution of such funds to all the judges and

justices of the Unified Court System in judicial service during all or part of the 2009-2010 fiscal year pursuant to the formula set forth in the Executive Summary submitted by the Unified Court System with the 2009-2010 Judiciary Budget

(R8). The State appealed (R3).

## ARGUMENT

### **CHAPTER 51, § 3, OF THE LAWS OF 2009 DID NOT ADJUST JUDICIAL COMPENSATION**

Chapter 51, § 3, does not give rise to any obligation on the part of the State to pay the Judiciary \$51 million to allocate in whatever manner it wishes among the various judges and justices of the Unified Court System. As the Court of Appeals held in *Matter of Maron v. Silver*, 14 N.Y.3d 230, 249-50 (2010), a budgetary provision that merely appropriates a lump-sum amount for judicial salary adjustments does not satisfy the Constitutional requirement that judicial compensation be "established by law." Moreover, the legislative history of the 2009 appropriation and events following its enactment demonstrate that the Legislature did not intend it to raise judicial salaries, and none of the relevant actors -- the Court of Appeals, the Legislature, the Governor, the Judiciary, or the Special Commission on

Judicial Compensation -- believed that it had. Accordingly, this Court should reverse the judgment of Supreme Court and dismiss the complaint.

**A. Chapter 51, § 3, Does Not Satisfy The Compensation Clause Requirement That Judicial Compensation Be "Established By Law."**

The Compensation Clause, N.Y. Const., art. VI, § 25(a), requires that judicial compensation be "established by law" and thereby vests the Legislature, as "the body always directly in touch with and responsible to the people," with the discretion to increase judicial compensation. *See* Judiciary Constitutional Convention of 1921, Report to Legislature, Jan. 4, 1922, Leg. Doc. 1922, No. 37, § 19, p. 29. Thus, as the Court of Appeals recently confirmed in *Matter of Maron v. Silver*, 14 N.Y.3d 230, 263 (2010), "whether judicial compensation should be adjusted, and by how much, is within the province of the Legislature." In adopting the 2009 appropriation, the Legislature did not adjust judicial compensation.

Before 2009, the Legislature uniformly exercised its constitutional authority to "establish" judicial compensation by enacting chapter laws that set forth specific judicial salary levels. *See* L. 1926, chs. 94, 155; L. 1929, ch. 464; L. 1947, chs. 419, 462; L. 1948, ch. 591; L. 1949, chs. 45,

195; L. 1950, ch. 621; L. 1952, ch. 88; L. 1957, ch. 993; L. 1975, chs. 150,152; L. 1979, ch. 55; L. 1980, ch. 881; L. 1984, ch. 986; L. 1987, ch. 263; L. 1993, ch. 60; L. 1998, ch. 630. The specific salaries that are currently paid to judges and justices of the Unified Court System are listed in article 7-B of the Judiciary Law. *See* Judiciary Law §§ 220-224. The Legislature continued this pattern in the 2010 legislation creating the Special Commission on Judicial Compensation. Under the new statute, the Commission's recommended salary schedule will become law in April 2012 in place of the existing article 7-B schedule if the Legislature and Governor do not modify or abrogate the Commission's schedule. *See* L. 2010, ch. 567, § 1(h) (the Commission's recommendation "shall have the force of law, and *shall supersede inconsistent provisions of article 7-B of the judiciary law*, unless modified or abrogated by statute prior to April first of the year as to which such determination applies") (emphasis added).

As the Court of Appeals' decision in *Maron* makes clear, this historic practice of increasing judicial compensation by enacting legislation that provides for judicial salary schedules follows from the Compensation Clause requirement that judicial compensation be "established by law." Thus, as the Court held in *Maron*, a lump sum appropriation that is not

accompanied by legislation amending the Judiciary Law salary schedules does not satisfy the constitutional requirement. Although the Court in *Maron* observed that the 2006 appropriation was “explicitly made contingent upon the adoption of additional legislation” that was never passed, it also observed that the Legislature did not intend the funds to be disbursed unless the salary schedules were also adjusted pursuant to law:

Moreover, a mere provision calling for a lump-sum payment of \$69.5 million without repeal or revision of the Judiciary Law article 7-B judicial salary schedules is further evidence that additional legislation was required before the funds could be disbursed.

14 N.Y.3d at 249-50.

Here, as in *Maron*, the appropriation at issue is a "mere provision calling for a lump-sum payment" with no corresponding amendment of existing statutory judicial salary schedules. Chapter 51, § 3, did not set forth specific judicial salary levels or provide any other mechanism to alter the existing salary schedules in article 7-B of the Judiciary Law. Nor did it set forth any other method for calculating adjustments in judicial compensation or provide any direction as to what portion of the appropriated funds was to be allocated to judicial compensation as opposed

to "other services and expenses." Chapter 51, § 3, simply appropriated a \$51 million lump sum "[f]or expenses *necessary to fund adjustments in the compensation* of state-paid judges and justices of the unified court system and housing judges of the New York city civil court, and for such other services and expenses specified in section two of this act" (R98) (emphasis added). The provision's plain language means that Chapter 51, § 3, authorized the expenditure of money only if "adjustments in the compensation" of the judiciary were subsequently made during the 2009-10 fiscal year. But they were not. Thus here, as in *Maron*, the appropriation does not satisfy the constitutional requirement that judicial compensation be "established by law."

The court below erroneously distinguished *Maron* on the ground that the appropriation there, unlike the appropriation here, contained the phrase "pursuant to a chapter of the laws of ...." The absence of that phrase here does not compel a different result than in *Maron*. In *Maron*, the Court of Appeals noted that there would have been no need for the "pursuant to" language in the appropriation if the Legislature had intended it to be a self-executing adjustment to judicial compensation. Thus, the presence of the phrase was some evidence "that additional

legislation was required before the funds could be disbursed." 14 N.Y.3d at 250. But the Court did not indicate that the presence of the "pursuant to" phrase was essential to its holding or that the absence of the phrase from an appropriation would lead to a different result. On the contrary, the Court relied on the constitutional requirement that judicial compensation be "established by law," and held that the "lump-sum" nature of the appropriation was "further evidence" that additional legislation was required. 14 N.Y.3d at 249-250. The 2009 appropriation here, too, is merely a "lump-sum" and the absence of the "pursuant to" phrase in the appropriation is therefore irrelevant.

The court below erroneously viewed the absence of the "pursuant to" language in Chapter 51, § 3, as "overwhelming and irrefutable evidence" (R14) that the Legislature no longer intended to require enactment of additional legislation to effectuate judicial salary adjustments. The Assembly floor debate that preceded enactment of Chapter 51, § 3, establishes precisely the opposite. Assembly member Farrell, the Chair of the Assembly Ways and Means Committee, specifically stated that the fact that the "pursuant to" phrase was not included in the 2009 appropriation language did not convert the appropriation into a pay raise:



[t]he notion that the Office of Court Administration has been somehow authorized or empowered to ignore both the New York State Constitution and Article VII(B) of the Judiciary Law by some words stricken from an appropriation is 100 percent incorrect. Simply stated, some redundant words were removed, but these words could be replaced if that was deemed necessary to eliminate any contrived confusion in a chapter amendment

(R244). No legislator voiced any disagreement with this statement. This history indicates that the Legislature deleted the "pursuant to" phrase because it was redundant and unnecessary in light of the constitutional requirement that judicial compensation be "established by law" and the longstanding historical practice of adjusting judicial compensation by enacting legislation separate from the budget.

The court below acknowledged that the Legislature had always "established" judicial compensation "by law" in accordance with the Compensation Clause by enacting legislation that contains a judicial salary schedule. But the court concluded that this historic practice was "not determinative," citing *Pataki v. New York State Assembly*, 4 N.Y.3d 75 (2004) (rejecting argument that it was unconstitutional for the governor to include school aid distribution language in an appropriation bill when this topic had historically been addressed in non-appropriation bills) (R14). In

the court's view, this practice amounted to nothing more than a "custom" and was not immutable (R14). The court was mistaken. The Constitution, not mere custom, requires judicial compensation to be "established by law." While the State does not dispute that this *could* be done in an appropriation bill, the appropriation language in Chapter 51, § 3, did not establish judicial compensation. Instead, the Legislature amended the proposed budget bill by deleting the Judiciary's proposed salary adjustments and this amended bill was ultimately enacted. *Pataki*, therefore, is inapposite here and the court below erred in relying on it.

**B. The Legislative History of Chapter 51, § 3, Shows That The Legislature Did Not Intend It To Be Self-Executing.**

Courts have long accepted the principle that the "changes made in the frame of the bill in the course of its passage, and statements made by the committee chairmen in charge of it" may be considered in ascertaining a statute's meaning. *U.S. v. St. Paul, M. & M. Ry. Co.*, 247 U.S. 310, 318 (1918). In this case, the history preceding the enactment of Chapter 51, § 3, unequivocally establishes that the Legislature did not intend it to be a self-executing judicial salary adjustment.

First, the changes made to the bill in the course of its passage demonstrate that the appropriation was not a salary increase. The Judiciary's proposed budget for fiscal year 2009-10 contained a provision raising judicial compensation retroactive to April 1, 2005. Section 2(b) of the proposal provided that "*[n]otwithstanding any other provision of law, the compensation of state-paid judges and justices of the unified court system and of housing judges of the New York city civil court shall be adjusted in accordance with the following and such adjustments shall be funded from available appropriations named in this act*" (R142) (emphasis added). Section 2(b) then listed specific adjustments to judicial salaries retroactive to April 1, 2005, leading to "pay parity" with federal district court judges by April 1, 2009. The Governor submitted the Judiciary's proposed budget to the Legislature unchanged, as he was required to do. See N.Y. Const., article VII, § 1. And the initial budget bill for the Judiciary - - A.151/S.51 - - contained, in section 2(b), the same "notwithstanding any other provision of law" language and the same specific adjustments to judicial salaries retroactive to April 1, 2005 that were present in section 2(b) of the Judiciary's proposal (R44-45).

But the Legislature did not enact the proposed bill. Instead, it deleted section 2(b) entirely, retaining only the \$51 million appropriation and its accompanying language in section 3. This amended bill, not the initial bill, was ultimately enacted by the Legislature in April 2009. This purposeful deletion establishes that the Legislature did not intend to increase judicial salaries via Chapter 51, § 3.

Second, statements made during the legislative debates also clearly establish that the Legislature did not intend Chapter 51, § 3, to authorize raises for the Judiciary. In response to a question from Senator DeFrancisco, the ranking member of the Senate Finance Committee, Senator Sampson, the Chair of the Judiciary Committee, confirmed that although there was "a pot of money designated for" a judicial salary increase in Chapter 51, the "language authorizing such an increase is not in the final budget" (R254-255). Senator Sampson also confirmed that "the only mechanism for a judicial salary increase would be through a separate piece of legislation," "separate and apart from" the budget (R255-256). Similarly, Assembly member Farrell, the Chair of the Assembly Ways and Means Committee, stated that "[a]s required by New York State's Constitution, judicial salaries are and have always been set by law, Article

VII(B) of the Judiciary Law. A reappropriation of potentially available monies cannot and does not change that law and what it certainly does not authorize is any salary increases" (R244).

The court below mistakenly discounted the value of these statements, reasoning that they simply represented "debate about the issue" (R15). That is an inaccurate characterization. First, as noted above, these exchanges represent the considered judgments of relevant committee chairs and members regarding the meaning of Chapter 51, § 3. *See St. Paul*, 247 U.S. at 318. In addition, not one legislator spoke in opposition to the statements made by Senator DeFrancisco, Senator Sampson, or Assembly member Farrell. There is therefore no basis for concluding that any controversy existed concerning whether Chapter 51, § 3, was self-executing. The debates clearly establish that the Legislature intended that it not be self-executing.

In sum, there is ample and unequivocal support in the language of the appropriation, legislative history and floor debate to establish that the Legislature did not intend Chapter 51, § 3, to be a judicial salary increase, and Supreme Court erred in concluding to the contrary.

**C. Events Subsequent To The Enactment of Chapter 51, § 3, Confirm That It Did Not Implement An Increase In Judicial Compensation.**

Finally, in determining the meaning of chapter 51, § 3, it is appropriate to consider events after its enactment, because these events demonstrate that *none* of the relevant actors believed that the Legislature had increased judicial salaries in 2009. To the contrary, in resolving the judicial pay dispute, *all* the decision makers acted as they did because they believed that the Legislature had last raised judicial salaries in 1998.

Thus, in its decision in *Maron*, rendered on February 23, 2010, almost 11 months after the adoption of the 2009 appropriation, the Court of Appeals stated that “the last time the Legislature adjusted judicial compensation was in 1998.” 14 N.Y.3d at 244. Although the meaning of the 2009 appropriation was not before the Court in *Maron*, it simply defies belief that the Court would have overlooked a law adopted nearly a year earlier if that law had already resolved what the Court characterized in 2010 as “the *current* judicial pay crisis.” *Id.* (emphasis added). And if the Legislature had already increased judicial salaries, there would have been no basis for the Court's direction to the Legislature to give “appropriate and expeditious” consideration to the subject of judicial compensation. *Id.*

at 263. In fact, the Court of Appeals did not overlook anything, for the simple reason that the 2009 appropriation did not increase judicial salaries any more than did the 2006 appropriation that was at issue in *Maron*.

Plaintiffs' contention that judicial salaries were increased by Chapter 51, § 3, is also contradicted by the fact that the funds appropriated in that section of the 2009-10 state budget were reappropriated in the next year's state budget. The 2010-11 state budget, enacted as Chapter 51 of the Laws of 2010, contains a \$51 million reappropriation of the funds appropriated "by chapter 51, section 2, of the laws of 2008, as reappropriated and amended by chapter 51, section 3, of the laws of 2009: For expenses necessary to fund adjustments in the compensation of" the judiciary (R226). Section 3 of Chapter 51 of the Laws of 2010 explains that the \$51 million, "being the unexpended balances of a prior year's appropriation, are hereby reappropriated from the same funds and made available for the same purposes as the prior year's appropriation" (R225). If, as plaintiffs contend, the appropriation in the 2009-10 budget was a self-executing increase in judicial compensation,

there would have been no need to reappropriate the funds in the 2010-11 budget for the same purpose.

Next, in late 2010, after the decision of the Court of Appeals in *Maron*, the Governor proposed and the Legislature adopted a law creating the Special Commission on Judicial Compensation. *See* L. 2010, ch. 567. If, as plaintiffs contend, Chapter 51, § 3, implemented an increase in judicial salaries in 2009, there would have been no need to establish the Commission and direct it to immediately evaluate whether the salary schedules in article 7-B of the Judiciary Law "warrant adjustment." L. 2010, ch. 567, § 1(a)(ii). The Senate introducer's memorandum in support of the bill creating the Commission makes clear that the impetus for its creation was the fact that "[s]alaries of State-paid judges and justices of the Unified Court System *were last increased* pursuant to Chapter 630 of the Laws of 1998." Senate Introducer Mem. in Support, Bill Jacket, L. 2010, ch. 567, at 7-8 (emphasis added).

Indeed, the Judiciary's own submission to the Commission directly contradicts plaintiffs' argument that Chapter 51, § 3, implemented a pay raise. Chief Administrative Judge Pfau stated in the submission that judges had not had a "salary increase" or "salary adjustment" since 1999,



when the Legislature enacted L. 1998, ch. 630, § 16, and that "no pay reform legislation was enacted - - in 2005 *or in any of the four succeeding years.*" New York State Judiciary Submission to Special Commission on Judicial Compensation, at 3, 11; Supplemental Appendix, Attachment 5, at 18, 39; Supplemental Appendix, Attachment 6 (all available at <http://www.judicialcompensation.ny.gov/assets/C%20-%20Office%20of%20Court%20Administration%20Supplemental%20Appendix.pdf>) (emphasis added).

Furthermore, the Commission itself, whose members are appointed by the Governor, Legislature, and Judiciary, based its ultimate recommendation on the fact that the "last increase" in judicial salaries "[took] effect in 1999," and referred to the 1999 increase as "the most recent judicial salary increase." Final Report of the Special Commission on Judicial Compensation, at 5.

These various statements show that plaintiffs' argument that judicial salaries were increased by Chapter 51, § 3, is contrary to the understanding of the Governor, the Legislature, and the Judiciary as a whole. Moreover, plaintiffs' argument, if accepted by this Court, would disrupt the process envisioned by the creation of the Commission, and call

into question the validity of its final recommendation. For these reasons also, their argument should be rejected.

For all these reasons, this Court should reject plaintiffs' argument that Chapter 51, § 3, of the Laws of 2009 increased judicial salaries. Accordingly, the Court should reverse Supreme Court's judgment, grant the State's motion for summary judgment and dismiss the complaint.

### CONCLUSION

The judgment of the court below should be reversed, the State's motion for summary judgment should be granted and the complaint should be dismissed.

Dated: Albany, New York  
November 15, 2011

Respectfully submitted,

ERIC T. SCHNEIDERMAN  
Attorney General of the  
State of New York  
Attorney for Appellant

By: \_\_\_\_\_  
JULIE M. SHERIDAN  
Assistant Solicitor General  
Office of the Attorney General  
The Capitol  
Albany, New York 12224  
(518) 486-5355

ANDREW D. BING  
Deputy Solicitor General

JULIE M. SHERIDAN  
Assistant Solicitor General  
of Counsel

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### **CERTIFICATE OF COMPLIANCE**

I hereby certify pursuant to 22 N.Y.C.R.R. § 670.10.3(f) that the foregoing brief was prepared on a computer.

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Date: Albany, New York  
November 15, 2011

ERIC T. SCHNEIDERMAN  
Attorney General of the  
State of New York  
(JULIE M. SHERIDAN, of Counsel)  
Attorney for Appellant

The Capitol  
Albany, New York 12224  
(518) 486-5355