BUDGET REVIEW AND ANALYSIS: JUDICIARY



The New York State courts are established and administered as an independent branch of government pursuant to Article VI of the State Constitution. The cost of operating the courts (excluding town and village courts) is borne by the State pursuant to the Unified Court Budget Act. The mission of the Unified Court System is to promote the rule of law and to serve the public by providing just and timely resolutions of all matters before the courts. The New York State Judiciary (Judiciary) carries out its mission through 11 different trial courts (courts of original jurisdiction), its intermediate appellate courts and its highest court, the Court of Appeals.

The Judiciary's proposed budget request recommends appropriations of \$2.9 billion, which is an increase of \$81.94 million or 2.9 percent from the State Fiscal Year (SFY) 2015-16 level.

Table 54

Ap	propriations			
Agency	2015-16 Adjusted (\$ in Millions)	2016-17 Exec Request (\$ in Millions)	 In the second of the second of	Change (%)
Office of Court Administration	2,795.55	2,877.49	81.94	2.93

Table 55

	Disbursements			
Agency	2015-16 Adjusted (\$ in Millions)	2016-17 Exec Request (\$ in Millions)	Change (\$ in Millions)	Change (%)
Office of Court Administration	2,753.37	2,865.60	112.23	4.08

Civil Legal Services: The proposed budget includes a total of \$85 million to support the recommendations of Former Chief Judge Jonathan Lippman's task force to expand civil legal services, an increase of \$15 million from the SFY 2015-16 level.

Personal Service Costs: The Judiciary's budget includes a \$20.3 million increase in personal service over the SFY 2015-16 level. This includes the first year of full support for all 25 new Family Court judgeships created in 2014 and mandatory and negotiated salary increases for non-judicial employees.

Judicial Compensation: In December 2015, the Commission on Legislative, Judicial and Executive Compensation released its final recommendations on judicial salaries. The Commission recommended that State Supreme Court justices salaries be increased so that they are comparable to Federal District Court judges. Specifically, the Commission recommended that justices of the State Supreme Court salaries be fixed at 95 percent of the salary of a Federal District Court judge, effective April 1, 2016, and at 100 percent, effective April 1, 2018, with the salaries of all other state judges adjusted accordingly. The cost of the first year of salary increases is approximately \$27 million.

JUDICIARY

	Adjusted Appropriation	Executive Request		Percent
	2015-16	2016-17	Change	Change
STATE OPERATIONS	· · · · · · · · · · · · · · · · · · ·			
General Fund	2,529,751,061	2,605,788,453	76,037,392	3.01%
Special Revenue-Other	136,155,893	140,814,903	4,659,010	3.42%
Special Revenue-Federal	8,000,000	8,500,000	500,000	6.25%
Total for STATE OPERATIONS	2,673,906,954	2,755,103,356	81,196,402	3.04%
Administration and General Support				
General Fund	18,072,736	18,398,626	325,890	1.80%
Special Revenue-Other	2,747,625	3,063,993	316,368	11.51%
Total for Program	20,820,361	21,462,619	642,258	3.08%
Appellate Auxilliary Operations		•		
General Fund	182,463,042	185,477,332	3,014,290	1.65%
Special Revenue-Other	46,165,232	46,521,894	356,662	0.77%
Total for Program	228,628,274	231,999,226	3,370,952	1.47%
Appellate Court Operations				
General Fund	79,446,098	79,843,703	397,605	0.50%
Total for Program	79,446,098	79,843,703	397,605	0.50%
Court of Appeals			•	
General Fund	15,286,324	15,682,446	396,122	2.59%
Total for Program	15,286,324	15,682,446	396,122	2.59%
Courts of Original Jurisdiction	•			•
General Fund	1,565,780,791	1,605,020,638	39,239,847	2.51%
Special Revenue-Other	48,881,993	51,817,233	2,935,240	6.00%
Special Revenue-Federal	8,000,000	8,500,000	500,000	6.25%
Total for Program	1,622,662,784	1,665,337,871	42,675,087	2.63%
General State Charges				
General Fund	668,702,070	701,365,708	32,663,638	4.88%
Special Revenue-Other	27,578,430	28,605,922	1,027,492	3.73%
Total for Program	696,280,500	729,971,630	33,691,130	4.84%
	, ,	, , , , , , , , , , , , , , , , , , ,		
Lawyers' Fund for Client Protection Special Revenue-Other	10,782,613	10,805,861	23,248	0.22%
Total for Program	10,782,613	10,805,861	23,248	0.22%
Total for Frogram	10,762,013	10,000,001	23,240	U.ZZ/0
AID TO LOCALITIES	47 445 504	47.445.504	•	0.000/
General Fund	17,445,584	17,445,584	740.035	0.00%
Special Revenue-Other	104,200,000	104,949,035	749,035	0.72%
Total for AID TO LOCALITIES	121,645,584	122,394,619	749,035	0.62%

·		*		
	Adjusted Appropriation 2015-16	Executive Request 2016-17	Change	Percent Change
Court Facilities Incentive Aid				
Special Revenue-Other	104,200,000	104,949,035	749,035	0.72%
Total for Program	104,200,000	104,949,035	749,035	0.72%
Courts of Original Jurisdiction			•	
General Fund	17,445,584	17,445,584	0	0.00%
Total for Program	17,445,584	17,445,584	0	0.00%
Total for AGENCY SUMMARY:	2,795,552,538	2,877,497,975	81,945,437	2.93%

LEGISLATURE

	Adjusted Appropriation 2015-16	Executive Request 2016-17	Change	Percent Change
			f	,
STATE OPERATIONS				
General Fund	217,844,801	217,844,801	0	0.00%
Special Revenue-Other	2,100,000	2,100,000	0	0.00%
Total for STATE OPERATIONS	219,944,801	219,944,801	0	0.00%
Legislature				
General Fund	217,844,801	217,844,801	0	0.00%
Special Revenue-Other	2,100,000	2,100,000	0	0.00%
Total for Program	219,944,801	219,944,801	0	0.00%
Total for AGENCY SUMMARY:	219,944,801	219,944,801	0	0.00%

GENERAL STATE CHARGES

1	For	payment	according	to	the	following	schedule:

2	$C_{\rm eff} = 0$. The second section is the second second section of the second section in the second section is $C_{\rm eff} = 0$	APPROPRIATIONS	REAPPROPRIATIONS
3 4 5	General Fund		0
6	All Funds		0
8	SCHEDUL	E	
9 10	GENERAL STATE CHARGES		5,800,347,000
11 12	General Fund State Purposes Account - 10050		
13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 37 38 38 38 38 38 38 38 38 38 38 38 38 38	reimbursement for medicare premium charto an eligible active or retired empland his or her dependents, if any, extive October 1, 2016, an amount not exceed \$104.90 per month for the stamedicare premium charge for such summentary medical insurance benefits be reimbursed monthly or at other invals to such active or retired emplerom the health insurance fund; provide however, effective January 1, 2016, shall be no reimbursement whatsoever the income related monthly adjust amount for any amounts or premincurred on or after January 1, 2016 any active or retired employee and his her dependents, if any.	scrow bene- paid where ssued ealth that f law state arges loyee ffec- t to ndard ople- shall nter- loyee ided, there for tment niums 6, to s or f law	
42 43 44	(i) members of the New York state		

GENERAL STATE CHARGES

2016-17

- STATE OPERATIONS (ii) members in the uniformed personnel in institutions under the jurisdiction of the state department of corrections and commu-3 nity supervision, (iii) members who are security hospital treatment assistants as defined in section 89 of the retirement and social security law, and (iv) any 7 state employee determined to have retired with an ordinary, accidental, or perform-9 10 ance of duty disability retirement benefit, the state's contribution for the cost 11 12 of premium or subscription charges for the coverage of retired state employees who 13 are enrolled in the statewide and the 14 15 supplementary health benefit plans established pursuant to article 11 of the civil 16 service law and who retired on or after 17 18 October 1, 2016 shall be as set forth in 19 this appropriation, as follows: 20 For state employees who retire from a 21 position at or equated to grade 10 or 22. higher with at least 10 but less than 20 23 years of service, the state shall pay 50 the cost of premium or 24 percent of subscription charges for the individual 25 26 coverage of such retired state employees. Such contributions shall increase by 2 27 28 percent of the cost of premium or subscription charges for each year of 29 service in excess of 10 years, to a maxi-30 mum of 68 percent of the cost of individ-31 ual premium or subscription charges. The 32 state shall pay 35 percent of the cost of 33 premium or subscription charges for the coverage of dependents of such retired 34 35 36 state employees; such contribution shall increase by 2 percent of the cost of 37 38 premium or subscription charges for each 39 year of service in excess of 10 years, to
- 42 dependents; 43 For state employees who retire from a 44 position at or equated to grade 10 or higher with 20 or more years of service, 45 the state shall pay 74 percent of the cost 47 of premium or subscription charges for the individual coverage of such retired state 48 contributions 49 employees. Such 50 increase by 1 percent of the cost of

40 41 a maximum of 53 percent of the cost of

premium or subscription charges for such

GENERAL STATE CHARGES

STATE OPERATIONS 2016-17

premium or subscription charges for each year of service in excess of 20 years, to a maximum of 84 percent of the cost of individual premium or subscription charges. The state shall pay 59 percent of the cost of premium or subscription charges for the coverage of dependents of such retired state employees; such contribution shall increase by 1 percent of the cost of premium or subscription charges for each year of service in excess of 20 years, to a maximum of 69 percent of the cost of premium or subscription charges for such dependents;

- (c) For state employees who retire from a position at or equated to grade 9 or lower with at least 10 but less than 20 years of service, the state shall pay 54 percent of the cost of premium or subscription charges for the individual coverage of such retired state employees. Such contributions shall increase by 2 percent of the cost of premium or subscription charges for each year of service in excess of 10 years, to a maximum of 72 percent of the cost of premium or subscription charges. The state shall pay 39 percent of the cost of premium or subscription charges for the coverage of dependents of such retired state employees; such contribution shall increase by 2 percent of the cost of premium or subscription charges for each year of service in excess of 10 years, to a maximum of 57 percent of the cost of premium or subscription charges for such dependents;
- (d) For state employees who retire from a position at or equated to grade 9 or lower with 20 or more years of service, the state shall pay 78 percent of the cost of premium subscription charges for the individual coverage of such retired state employees. Such contributions shall increase by 1 percent of the cost of premium or subscription charges for each year of service in excess of 20 years, to a maximum of 88 percent of the cost of premium or subscription charges. The state shall pay 63 percent of the cost of premium or subscription charges for the cover-

GENERAL STATE CHARGES

.1	age of dependents of such retired state	
2	employees; such contribution shall	
3	increase by 1 percent of the cost of	
4	premium or subscription charges for each	
5	year of service in excess of 20 years, to	
6	a maximum of 73 percent of the cost of	
7	premium or subscription charges for such	
8	dependents;	
9	(e) With respect to all such retired state	
10	employees, each increment of 1 or 2	
11	percent of the cost of premium or	
12	subscription charges for each year of	
13	service shall be applicable for whole	
14	years of service to the state and shall	
15	not be applied on a pro-rata basis for	
16	partial years of service; and	
17	(f) For the purposes of determining the	
18	premium or subscription charges to be paid	
19	by the state on behalf of retired state	
20	employees enrolled in the New York state	
21	health insurance program who retire on or	
22	after October 1, 2016, the state shall	
23	consider all years of service that a	
24	retired state employee has accrued in a	
25	public retirement system of the state or	
26	an optional retirement program established	
27	pursuant to articles 3, 8-b, or 125-a of	
28	the education law; notwithstanding, howev-	
29	er, this provision may not be used to	
30	grant eligibility for retiree state health	
31	insurance coverage to a retiree who is not	
32	otherwise eligible to enroll in the New	
33	York state health insurance program as a	
34	retiree.	
35	The state's share of the health insurance	
36	program dividends shall be available to	
37	pay for the premiums in 2016-17	2,147,861,000
38	For the state's contribution to the dental	
39	insurance plan	44,825,000
40	For the state's contribution to the vision	
41	care plan	5,658,000
42	For expenses incurred during the period July	
43	1, 2016 to June 30, 2017 specific to the	
44	health insurance program provided for	
45	graduate student employees	25,000
46	For the state's contribution to the employ-	
47	ees' retirement system pension accumu-	
48	lation fund, the police and fire retire-	
49	ment system pension accumulation fund, and	fü.

GENERAL STATE CHARGES

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1	the New York state public employees group
2.	
3	For payment during the period July 1, 2016
4	to June 30, 2017 of the state's share to
5	the teachers insurance and annuity associ-
6	ation and the college retirement equities
7	fund for state university faculty in
8	accordance with chapter 337 of the laws of
9	1964
10	For payment of liabilities incurred during
11	the period July 1, 2016 through June 30,
12	2017 on behalf of the state university of
13	New York to the teachers' retirement
14	system for eligible state university
15	faculty 15,642,000
16	For the state's pension obligations associ-
17	ated with certain state employees who are
18	members of the teachers' retirement system
19	and the optional retirement program 2,292,000
20	For the state's share of contributions to
21	the voluntary defined contribution plan
22	made on behalf of eligible employees
23	pursuant to chapter 18 of the laws of 2012
24	who elect to participate in such plan and
25	who are not otherwise eligible to partic-
26	ipate in the SUNY optional retirement
27	program
28	For suballocation to the state university of
29	New York, pursuant to a plan approved by
30	the director of the budget, for services
	and expenses of administering the volun-
31	
32	tary defined contribution plan, estab-
33	lished pursuant to chapter 18 of the laws
34	of 2012 500,000
35	For the state's contribution for supple-
36	mental pension payments in accordance with
37	the provisions of article 4 and article 6
38	of the retirement and social security law
39	and retirement benefits paid under
40	sections 214 and 215 of the military law 255,000
41	For payment of liabilities incurred during
42	the period July 1, 2016 to June 30, 2017
43	specific to federal retirement costs of
44	Cornell cooperative extension professional
45	employees who are now participating in the
46	federal retirement system 200,000
47	For the state's contribution to the social
48	security contribution fund 516,555,000
49	For payments to the state insurance fund for
50	workers' compensation benefits and other
50	"OLICED COMPONDACION DONOLLOS ANA COMOL



GENERAL STATE CHARGES

1	related workers' compensation costs prior
2	to or after they become incurred including
3	but not limited to the benefits defined in
4	chapters 302 and 303 of the laws of 1985,
5	provided such payments and costs are
6	reduced by a transfer by the workers'
7	compensation board to the state insurance
8	fund, pursuant to section 151 of the work-
9	ers' compensation law, of \$140,000,000 in
10	assessment amounts held by the Board
11	pursuant to paragraph (b) of subdivision 6
12	of section 151 of the workers' compen-
13	sation law, as soon as practicable on or
14	after April 1, 2016, for partial payment
15	and partial satisfaction of the state's
16	obligations to the state insurance fund
17	under workers' compensation law section
18	88-c for 2016 193,307,000
19	For payments associated with the accident
20	reporting system 600,000
21	For the state's contribution to employee
22	benefit fund programs 41,386,000
23	For payments for tuition reimbursement
24	pursuant to collective bargaining agree-
25	ments 50,000
26	For reimbursement to the unemployment insur-
27	ance fund for payments made to claimants
28	formerly employed by the state of New York
29	
30	Reimbursement of liabilities heretofore
31	accrued or hereafter to accrue during the
32	period July 1, 2016 to June 30, 2017 to
33	Cornell university and Alfred university for unemployment for employees of the
34 35	statutory colleges
36	To the survivors' benefit fund for payments
30 37	to the survivors of state employees and
38	retired state employees 7,291,000
39	For expenses incurred during the period July
40	1, 2016 to June 30, 2017 specific to the
41	group disability insurance program for
42	employees in the professional service in
43	order to provide disability benefits for
44	such employees
45	For payments for the income protection plans
46	of current and prior years 3,370,000
47	For payments for accidental death benefits
48	pursuant to collective bargaining agree-
49	ments 150,000



GENERAL STATE CHARGES

1	For taxes on public lands and payments
2	pursuant to sections 532 through 546 of
3	the real property tax law. The moneys
4	hereby appropriated are available for
5	payment of any liabilities or obligations
6	incurred prior to April 1, 2016 in addi-
7	tion to current liabilities 238,796,000
8	For the payment of the metropolitan commuter
9	transportation mobility tax pursuant to
10	
11	chapter 25 of the laws of 2009 on behalf
12	of the state employees employed in the
13	metropolitan commuter transportation
14	district 16,849,000
15	For payment of liabilities incurred during
16	the period July 1, 2016 to June 30, 2017
17	specific to the metropolitan commuter
18	transportation mobility tax pursuant to
19	article 23 of the tax law as amended by
20	chapter 25 of the laws of 2009 on behalf
21	of the state university teaching hospital
22	employees at Stony Brook and downstate
23	medical employed in the commuter transpor-
24	tation district
25	For payments in accordance with section 19-a
26	of the public lands law
27	For payments in accordance with section 19-b of the public lands law 500,000
28	For assessments for local improvements. The
29 30	moneys hereby appropriated are available
31	for payment of any liabilities or obli-
32	gations incurred prior to April 1, 2016 in
3⊿ 33	addition to current liabilities 4,000,000
34	For payments in accordance with section 3 of
35	chapter 774 of the laws of 1989 300,000
36	For judgments against the state pursuant to
37	section 20 of the court of claims act and
38	for judgments pursuant to actions brought
39	in the court of claims against public
	benefit corporations indemnified by the
	state, exclusive of the payment of any
42	judgments arising out of actions or
43	proceedings brought to obtain payment for
44	wages, salaries or other employee bene-
45	fits. The moneys hereby appropriated are
46	available for payment of any liabilities
47	or obligations incurred prior to April 1,
48	2016 in addition to current liabilities 102,400,000
49	For the payment of the defense by private
50	counsel and the indemnification or payment
	The state of the s



GENERAL STATE CHARGES

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on behalf of state officers and employees
 1
      in civil judicial proceedings in accord-
      ance with the provisions of section 17 of
      the public officers law; the payment on
      behalf of the state, exclusive of the
               for wages, salaries or other
      payment
      employee benefits, in civil
                                      judicial
      proceedings
                   where a state officer or
 9
      employee entitled to a defense in accord-
      ance with public officers law section 17
10
      was dismissed from the civil judicial
11
      proceeding; the payment on behalf of the
12
      state, exclusive of the payment for wages,
13
14
      salaries or other employment benefits, and
      in civil judicial proceedings brought
15
      pursuant to Title VI of the Civil Rights
16
17
      Act of 1964, 42 USC § 2000d et seq., Title
      VII of the Civil Rights Act of 1964, 42
18
      USC § 2000e et seq., Title IX of the Education Amendments of 1972, 20 USC §
19
20
      1681 et seq., Titles II, III, and/or V of
21
22
      the Americans With Disabilities Act of
23
      1990, 42 USC § 12101 et seq., of the Reha-
24
      bilitation Act of 1973, 29 USC § 791 et
25
      seq., the state human rights law and other
·'26
      employment related causes of action; and
27
      in criminal proceedings in accordance with
28
      the provisions of section 19 of the public
29
      officers law. The moneys hereby appropri-
30
      ated are available for payment of any
      liabilities or obligations incurred prior
31
32
      to April 1, 2016 in addition to current
33
      For the payment on behalf of the state in
34
35
      connection with the resolution of Merton
      Simpson et al. v. New York State Depart-
36
37
      ment of Civil Service et al. and associ-
      ated United States District Court Northern
38
39
      District of New York Order dated April 25,
40
      2011 ..... 10,200,000
41
    For payment of claims for damage to personal
42
      or real property or for bodily injuries or
      wrongful death caused by officers, employ-
43
      ees, or other authorized persons providing
44
45
      service to state government while provid-
46
      ing such service, and the state university
47
      construction fund while acting within the
48
      scope of their employment, and while oper-
49
      ating motor vehicles, and for any individ-
50
      uals operating motor vehicles which are
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GENERAL STATE CHARGES

1 2	assigned on a permanent basis with unre- stricted use to state officers and employ-
3	ees when the person is permanently
4	assigned the motor vehicle 2,575,000
5	For the state's share of assessments issued
6	by the Hudson River-Black River regulating
7	district pursuant to subdivisions 2 and 3
8	of section 15-2121 of the environmental
9	conservation law 1,250,000
10	For services and expenses associated with
11	legal and other fees related to Indian
12	land claims litigation involving the state
13	of New York, local governments and private
14	land owners who are named as defendants in
15	these lawsuits, including liabilities
16	incurred prior to April 1, 2016 700,000
17	For transfer to the property casualty insur-
18	ance security fund in accordance with the
19	terms of the settlement between the state
20	and the plaintiffs in accordance with the
21	Court of Appeals' opinion in Alliance of
22	American Insurers v. Chu, 77 NY2d 573
23	(1991) 230,000
24	For the reissuance of checks which were not
25	presented for payment within the time
26	limits contained in section 102 of the
27	state finance law or for which payment has
28	been authorized by specific legislation 18,000
29	*****
30	Program account subtotal 5,499,847,000
31	******
32	Fiduciary Funds
33	Employees Dental Insurance Fund
34	Dental Insurance Interest Account - 60402
35	For additional state expenditures in
36	relation to the New York state dental
37	insurance fund 500,000
38	
39	Program account subtotal 500,000
40	
41	Fiduciary Funds
42	Employees Health Insurance Fund
43	Reserve for Rate Fluctuations Account - 60202
44	For additional state expenditures in
45	relation to the New York state health
46	insurance program 300,000,000

GENERAL STATE CHARGES

L				 					
2	Program	account	subtotal	 . 3	00	,00	Ο,	000	
3				 					