

COMMENTARY OF THE GOVERNOR ON THE JUDICIARY

In accordance with Article VII, Section One of the State Constitution, I am transmitting herewith the appropriations requested by the Judiciary for fiscal year 2004-05. As required by the Constitution, I am presenting the Judiciary budget as it has been submitted by the Office of Court Administration.

The Judiciary's All Funds appropriation request is \$1.9 billion, a \$117 million, or 6.5 percent increase over the current year. Of this amount, \$1.7 billion is requested from the State tax dollar supported General Fund, an increase of \$86.9 million or 5.35 percent over 2003-04. The Judiciary is seeking 2003-04 deficiency appropriations in the amount of \$20.2 million. When the deficiency appropriations are considered, the All Funds increase is 5.3 percent and the State tax dollar supported General Fund increase is 4.5 percent.

The requested General Fund increase includes:

- \$70 million for increased fringe benefit costs;
- \$17.4 million for negotiated salary increments;
- \$7.2 million for contracts and other fixed cost increases, including legal reference and the Law Guardian Program;
- \$5.9 million for annualization of current year initiatives, primarily for security enhancements; and
- \$5.9 million for new or expanded activities, including security equipment, continued expansion of Drug Treatment Courts and night court in New York City, a shift of information technology funding to the General Fund from the Data Processing Fund, and for the Court Appointed Special Advocates Program.

These General Fund increases are partially offset by recurring savings totaling \$19.5 million from personal service and non-personal service, resulting in a net increase of \$86.9 million.

The All Funds appropriation growth reflects a new appropriation of \$25 million for the increase in reimbursement rates for law guardians pursuant to Chapter 62 of the Laws of 2003 and a \$4 million increase in Federal funding for problem solving courts.

From 2000-01 to 2002-03, General Fund-State Operations spending for the Judiciary increased by 7.9 percent. In that same period, the General Fund-State Operations spending for Executive branch agencies decreased by 1.2 percent. In addition, the Judiciary's workforce has grown by 3.8 percent since 2001, compared to an Executive branch workforce decline of 3.7 percent for that period.

In light of the magnitude of the fiscal crisis facing the State, and the economies effected by the rest of State government, I call upon the Chief Judge to take all possible steps to reduce both spending and staffing levels.