

# ***PART III***

## ***APPROPRIATIONS REQUESTED BY THE JUDICIARY AND THE LEGISLATURE***



# ***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.



# **THE JUDICIARY**

## **INTRODUCTION**

### **THE UNIFIED COURT SYSTEM**

The Judiciary is one of the three branches of New York State Government. Article VI of the State Constitution establishes a Unified Court System, defines the organization and jurisdiction of the courts and provides for the administrative supervision of the courts by a Chief Administrator on behalf of the Chief Judge of the State of New York.

The objectives of the Judiciary are to: (1) provide a forum for the peaceful, fair and prompt resolution of civil claims and family disputes, criminal charges and charges of juvenile delinquency, disputes between citizens and their government, and challenges to government actions; (2) supervise the administration of estates of decedents, consider adoption petitions, and preside over matters involving the dissolution of marriages; (3) provide legal protection for children, mentally ill persons and others entitled by law to the special protection of the courts; and (4) regulate the admission of lawyers to the Bar and their conduct and discipline.

The New York State court system is one of the largest and busiest in the Western World. It consists of over 1,200 state-paid judges, 2,200 town and village justices and nearly 15,000 nonjudicial employees. Pursuant to the Unified Court Budget Act, the cost of operating the Unified Court System, excluding town and village courts, is borne by the State.

### **STRUCTURE AND JURISDICTION OF THE COURTS**

The Unified Court System is structured as follows:

#### **APPELLATE COURTS**

Court of Appeals  
Appellate Divisions of the Supreme Court  
Appellate Terms of the Supreme Court  
County Courts (acting as appellate courts)

#### **TRIAL COURTS OF SUPERIOR JURISDICTION**

Statewide:  
Supreme Court  
Court of Claims  
Family Court  
Surrogate's Court  
Outside New York City:  
County Court

#### **TRIAL COURTS OF LIMITED JURISDICTION**

New York City:  
Criminal Court  
Civil Court  
Outside New York City:  
City Courts  
District Courts  
Town Courts\*  
Village Courts\*

\*Locally funded courts

## **JUDICIARY**

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The jurisdiction of each court is established by Article VI of the Constitution or by statute. The courts of original jurisdiction, or trial courts, hear cases in the first instance, and the appellate courts hear and determine appeals from the decisions of the trial courts.

The Court of Appeals, the State's highest court, hears cases on appeal from the other appellate courts and, in some instances, from the courts of original jurisdiction. In most cases, its review is limited to questions of law. The Court also reviews determinations of the Commission on Judicial Conduct.

There are four Appellate Divisions of the Supreme Court, one in each of the State's four judicial departments. The Appellate Divisions hear appeals concerning civil and criminal cases. In the First and Second Departments, Appellate Terms have been established to hear appeals in criminal and civil cases determined in the Criminal and Civil Courts of the City of New York and civil and criminal cases determined in district, city, town, and village courts outside the City. In the Third and Fourth Departments, appeals from city, town and village courts are heard initially in the appropriate County Court.

The Supreme Court, which functions in each of the State's 12 judicial districts, is a trial court of unlimited, original jurisdiction, but it generally hears cases outside the jurisdiction of other courts. It exercises its civil jurisdiction statewide; in the City of New York and some other parts of the State, it also exercises jurisdiction over felony charges.

The Court of Claims is a statewide court having jurisdiction over claims for money damages against the State. Certain Judges of the Court of Claims; i.e., Judges appointed pursuant to paragraphs (b), (d), and (e) of subdivision 2 of section 2 of the Court of Claims Act, are assigned temporarily to the Supreme Court, primarily as trial justices in the criminal terms.

There are three county-level superior courts. The County Court is established in each county outside the City of New York. It is authorized to handle the prosecution of crimes committed within the county, although in practice, arraignments and other preliminary proceedings on felonies, misdemeanors and minor offenses are handled by courts of limited jurisdiction while the County Court presides over felony trials and supervises the Grand Jury. The County Court also has limited jurisdiction in civil cases, with authority to entertain those involving amounts up to \$25,000.

The Family Court is established in each county and in the City of New York. It has jurisdiction over matters involving children and families. Its caseload consists largely of proceedings involving support of dependent relatives, juvenile delinquency, child protection, persons in need of supervision, review and approval of foster-care placements, paternity determinations, and family offenses.

The Surrogate's Court is established in every county and hears cases involving the affairs of decedents, including the probate of wills and the administration of estates. Family Court and Surrogate's Court have concurrent jurisdiction in adoption proceedings.

The Civil Court of the City of New York tries civil cases involving amounts up to \$25,000 and other civil matters referred to it by the Supreme Court (pursuant to section 325 of the CPLR). It includes a Housing Part for landlord-tenant matters and housing code violations. It also includes a Small Claims Part and a Commercial Small Claims Part for matters not exceeding \$3,000. The Criminal Court of the City of New York has jurisdiction over misdemeanors and violations. Judges of the Criminal Court also act as arraigning magistrates and conduct preliminary hearings in felony cases.

There are four kinds of courts of limited jurisdiction outside the City of New York: District (established in Nassau County and in the five western towns of Suffolk County), City, Town and Village Courts. All have jurisdiction over minor criminal matters. They also have jurisdiction over minor civil matters, including small claims and summary proceedings, although their monetary ceilings vary: \$15,000 in District and City Courts, and \$3,000 in Town and Village Courts.

The civil courts of limited jurisdiction in 31 counties are making use of compulsory arbitration with lawyer arbitrators to resolve minor civil disputes, that is, civil actions where the amount sought is \$6,000 or less in courts outside the City of New York and \$10,000 or less in courts in the City.

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**ADMINISTRATIVE STRUCTURE OF THE UNIFIED COURT SYSTEM**

Section 28 of Article VI of the State Constitution provides that the Chief Judge of the Court of Appeals is the Chief Judge of the State and its chief judicial officer. The Chief Judge appoints a Chief Administrator of the Courts (who is called the Chief Administrative Judge of the Courts if the appointee is a judge) with the advice and consent of the Administrative Board of the Courts. The Administrative Board consists of the Chief Judge, as chair, and the Presiding Justices of the four Appellate Divisions of the Supreme Court.

The Chief Judge establishes statewide standards and administrative policies after consultation with the Administrative Board of the Courts and promulgates them after approval by the Court of Appeals.

The Chief Administrative Judge, on behalf of the Chief Judge, is responsible for supervising the administration and operation of the trial courts and for establishing and directing an administrative office for the courts, called the Office of Court Administration (OCA). In this task, the Chief Administrative Judge is assisted by two Deputy Chief Administrative Judges, who supervise the day-to-day operations of the trial courts in New York City and in the rest of the State, respectively; a Deputy Chief Administrative Judge for Justice Initiatives, a Deputy Chief Administrative Judge for Management Support, who supervises the operations of the units that compose the Office of Management Support; a Deputy Chief Administrative Judge for Court Operations and Planning, and a Counsel, who directs the legal and legislative work of the Counsel's Office.

The Office of Management Support consists of eight operational divisions, with overall policy guidance and management directed by the Chief Administrative Judge, assisted by the Deputy Chief Administrative Judge for Management Support. The Division of Human Resources is responsible for the administration of the Unified Court System's workforce diversity programs; labor management relations; career development services; employee benefits administration; and a broad range of personnel services dealing with job classification, compensation and examination issues. The Division of Financial Management coordinates the preparation and implementation of the Judiciary budget and is responsible for payroll processing as well as for promulgation of fiscal policies and procedures; revenue and expenditure monitoring, control and reporting; and the coordination of the fiscal aspects of the Court Facilities Aid Program. The Division of Technology is responsible for the development, implementation and oversight of all central and local automation and telecommunication services which support court operations and administrative functions. The Division of Legal Information and Records Management is responsible for overseeing all of the Judiciary's automated and printed media legal reference services and for coordination of records retention and management programs. The Division of Court Operations provides centralized support for day-to-day court operations through its oversight of streamlining initiatives, procedural manual development and training programs, and alternative dispute resolution programs.

The services provided by these operational divisions are further supplemented by a Public Affairs Office which coordinates communications with other governmental entities, the press, public and bar. The Office of Court Research compiles UCS workload statistics for the courts, management and the public and conducts operational improvement studies. The Administrative Services Office provides a broad range of general support services to the courts including, but not limited to, central accounting and revenue management; attorney registration administration, centralized procurement, supply and printing, and professional development. The Education and Training Office administers educational programs and oversees the operation of the Judicial Training Institute at Pace University. The Office of Public Safety administers the Judiciary's court security and disaster preparedness activities. Finally, an Office of Internal Affairs, reporting directly to the Chief Administrative Judge, conducts internal audits and investigations to support the attainment of management's long term goals and priorities.

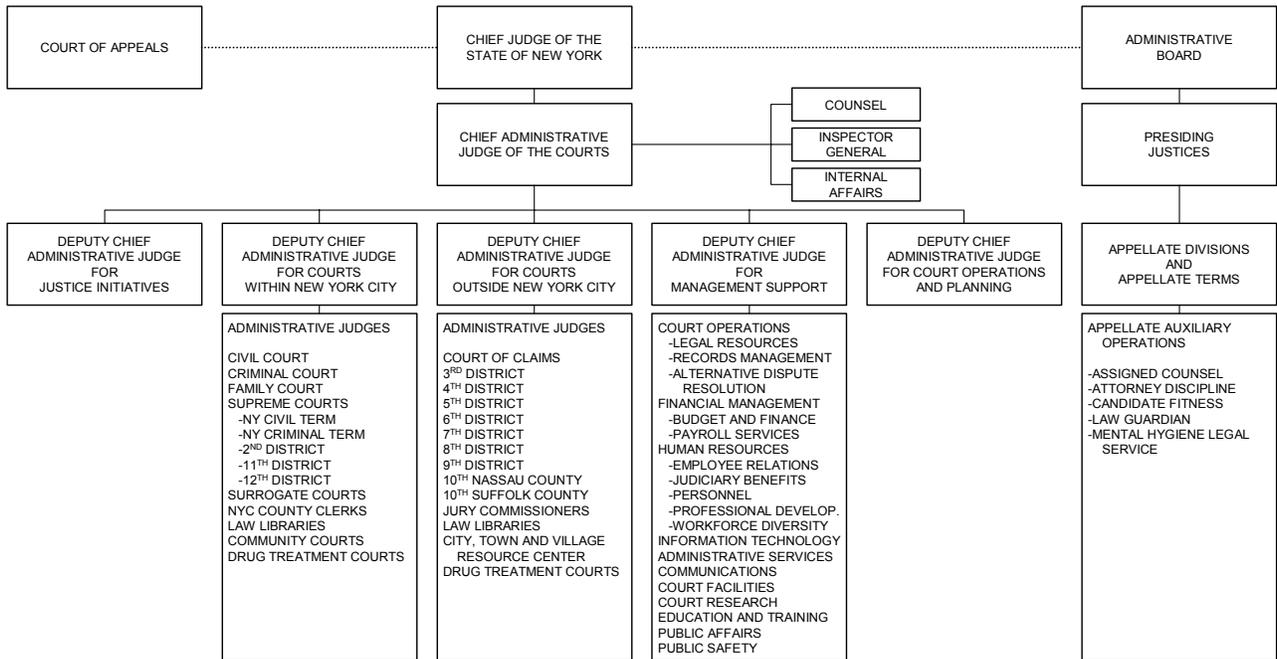
# JUDICIARY

Counsel's Office prepares and analyzes legislation, represents the Unified Court System in litigation, and provides various other forms of legal assistance to the Chief Administrative Judge.

Responsibility for on-site management of the trial courts and agencies is vested with the Administrative Judges. Upstate, in each of the eight judicial districts established outside the City of New York, there is a District Administrative Judge who is responsible for all courts and agencies operating within the judicial district. In the City of New York, Administrative Judges supervise each of the major trial courts, and the Deputy Chief Administrative Judge provides for management of the complex of courts and court agencies within the City. The Administrative Judges manage not only court caseload, but are responsible as well for general administrative functions including personnel and budget administration and all fiscal procedures.

The Appellate Divisions are responsible for the administration and management of their respective courts, and of the several Appellate Auxiliary Operations: Candidate Fitness, Attorney Discipline, Assigned Counsel, Law Guardians, and Mental Hygiene Legal Service.

## Unified Court System Administrative Structure



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## **EXECUTIVE SUMMARY**

### **THE COURT SYSTEM'S RESPONSE TO THE STATE'S FISCAL CHALLENGES**

The Judiciary's budget request for fiscal year 2004-2005 carefully and appropriately balances the courts' need for the resources necessary to fulfill their Constitutional mandate and the need to respond to the State's precarious economic condition. Recognizing the State's continuing fiscal problems, this budget – like the budget for 2003-2004 – seeks no additional nonjudicial positions. Moreover, the proposed budget seeks no funding for half of the positions left vacant from the early retirement program of last year, and leaves unfunded more than 500 positions that the court system is authorized to fill.

The request for Court Operations-General Fund is \$1.36 billion, an increase of 1.26 percent, following a year in which the court system's ever increasing caseload rose by 4.8 percent. The increase is less than statutory and other mandated increases. This modest increase is made possible by the cost savings actions and case management improvements that courts across the State have implemented. The most substantial savings come from reduced salary costs, the result of a strict vacancy control program that for the past 23 months has carefully monitored the level of nonjudicial staffing. In addition, the courts have reduced overtime expenditures and significantly limited equipment, travel and other operating costs.

As a result of these and other cost savings measures, the court system will be able to attain a cost savings of approximately \$20 million for 2004-2005. These savings will allow the Judiciary to offset much of the mandated increased costs for fiscal year 2004-05. Absorbing these mandated cost increases through operational efficiencies represents a commitment by the court system to meet the challenges posed by the State's fiscal condition while still providing timely and fair justice to the public.

### **COURT SYSTEM INNOVATIONS – IMPROVED JUSTICE, SAFER SOCIETY, LOWER COSTS**

The New York Judiciary has earned a reputation as a national leader in developing improved and more effective means of providing justice. Over the past decade, the court system has implemented case processing innovations in civil, criminal and family courts, and established specialized drug treatment courts, domestic violence courts, and community courts throughout the State.

Experience has proven that these problem-solving courts provide better results on a case-by-case basis. There is now also empirical evidence that these courts generate significant savings to governments at all levels by addressing the underlying social, health and other problems that generate much of the court system's workload.

#### **DRUG TREATMENT COURTS**

A recently-released study of New York's Drug Treatment Court Program proves the success of the problem-solving approach. In drug courts, non-violent, drug-addicted offenders participate in judicially-monitored drug treatment, as an alternative to incarceration. Since 1995, specialized drug court parts have grown from only a few in NYC and major upstate urban courts to over 100 court programs that now serve urban and rural communities in nearly every county. Next year the court system will complete the implementation of the statewide drug court initiative, with a treatment court program available to provide services in every county. The goal is to end drug dependence and the resulting cycle of addiction and criminal activity.

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An exhaustive study, funded by the U.S. Department of Justice and produced by the Center for Court Innovation, demonstrates that Drug Treatment Courts work. Specifically, the study found that these courts reduced the post-program recidivism rate by an average of 32 percent during the one year period after completion of the program. Research also showed that for the six oldest programs in New York, participation in drug courts reduced recidivism in all locations as compared to conventional case processing. The study also showed a direct correlation between the seriousness of the charge and drug court retention – defendants facing more serious charges (and, therefore, longer prison terms) were shown to be more likely to remain in the drug court program. The study also showed that graduates of drug treatment programs are less likely to recidivate, and that judge-supervised treatment programs produce higher retention and graduation rates than traditional treatment programs.

The study thus vindicates the main premise of drug treatment courts – court-supervised intervention greatly increases the chances that an addict will remain in and successfully complete treatment – demonstrating the effectiveness of drug courts in breaking the cycle of criminality and addiction. With over 18,000 individuals in New York having participated in drug court programs since its inception, the sharp reduction in recidivism will save many millions of dollars just in reduced incarceration costs. There are, in addition, other significant cost savings when an addict is rehabilitated, including foster care, public assistance and other social services costs.

The court system budget seeks to continue this problem-solving approach to resolving disputes and to integrate successful programs into the mainstream of court operations. Among the other successful problem-solving programs continued in this budget plan are:

### **COMMUNITY COURTS**

Community Courts work closely with members of communities affected by crime on the local level and feature restitution and treatment programs that seek to address the needs of victims, offenders and the community. Community Courts use a variety of mechanisms for involving the community in the criminal justice process, including public restitution projects, community mediation, victim-offender panels, use of treatment and social service interventions and input from neighborhood leaders through advisory panels and other participatory processes.

There are three community courts operating in New York City, and community court programs operate in the Nassau District Court and Syracuse City Court. In New York City, the Midtown Community Court provides supervised community service sanctions and resources for defendants to end the cycle of criminal behavior. The community court in the Red Hook Justice Center is a multi-jurisdictional court handling Criminal, Family and Housing matters and providing an array of services to restore community safety and quality of life. The third court, the Harlem Community Justice Center, offers a coordinated response to youth crime and housing issues.

### **INTEGRATED DOMESTIC VIOLENCE (IDV) COURTS**

IDV Courts follow the “one Family, one Judge” model, in which one judge presides over all Criminal, Family, and Supreme Court matters involving the same parties. This administrative response to the complex trial court structure in New York State allows one judge to address related family problems in a comprehensive manner. The IDV courts not only eliminate artificial jurisdictional barriers, thereby simplifying the process for litigants, but they also lower court operational costs by eliminating overlap and delay among related cases that IDV courts handle together. The new IDV division has developed case-management and community-service coordination methods that enhance protection of victims of domestic violence and increase offender accountability.

IDV Courts operate in six counties. By the end of 2003, five new model IDV Courts will begin operation: Richmond (2<sup>nd</sup> JD), Clinton, Franklin, and Essex Counties (4<sup>th</sup> JD), Tompkins County: City of Ithaca (6<sup>th</sup> JD), Erie County: City of Buffalo (8<sup>th</sup> JD), and Queens County (11<sup>th</sup> JD). Additional sites will be added next fiscal year to achieve the goal of at least one IDV court in each judicial district of the state by the end of 2004.

## **COURT RESTRUCTURING**

The innovations discussed above are administrative attempts to work within the confines of the existing trial court structure. Simplification of this structure through Constitutional amendment remains the highest priority for the court system.

The New York State Constitution provides for one of the most complex court system structures in the nation. New York's trial court system consists of eleven separate courts – the Supreme Court, the Court of Claims, the County Court, the Family Court, the Surrogate's Court, the New York City Civil and Criminal Courts, the District Courts on Long Island, the City Courts outside of New York City and the Town and Village Justice Courts. This complex structure produces many inefficiencies. The complexity of the current court structure is also confusing to litigants and can be a barrier to ensuring access to justice and promoting trust and confidence in the judicial system.

The Unified Court System's restructuring proposal addresses these problems by reconfiguring the nine State-funded trial courts (i.e., all trial courts except the Town and Village Courts) into a three-tiered structure, consisting of a Supreme Court, a Surrogate's Court and a District Court. In addition, the Court System's proposal gives the Supreme Court responsibility for presiding over most domestic violence cases, and enhances the Court's ability to hear these cases along with matrimonial and other related cases involving the parties.

A simplified and consolidated structure will also result in substantial savings for the taxpayers of the State of New York because it is more efficient and less expensive to run a court system with three trial courts than a system with nine courts. Savings will be realized by the public and litigants from streamlined courts that try related cases before a single judge in a single court. An analysis, which considered both the savings and costs of restructuring the trial courts, identifies a cost savings potential of \$131 million in the first five years of trial court operation under the new organizational structure.

## **SAFETY AND SECURITY**

Like all public entities, the New York State courts are aware of the importance of meeting safety and security needs of the public. Security-related expenses now account for over \$300 million, or about 20 percent, of the Judiciary budget.

Over the past year, the court system has continued to systematically upgrade court security and improve emergency preparedness. Improvements have been made through reallocated and increased levels of security staffing and through the use of enhanced equipment and technology. At many courthouses additional magnetometer and x-ray scanning systems and other electronic security systems have been installed. These staffing and equipment improvements, combined with new policies and procedures, are ensuring thorough and careful screening of those entering court facilities. The court system also is implementing changes to court facility access and design standards to accommodate new building safety and security requirements. Additionally, each court has developed comprehensive emergency preparedness and recovery plans. Such plans are essential for the protection of the public and the courts and to ensure the continuation of crucial functions in times of crisis.

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### **OTHER PRIORITIES**

The proposed Judiciary budget also continues funding to support a number of other court system priorities including:

#### **ACCESS TO JUSTICE**

The Unified Court System has developed a statewide strategy to improve access to justice. Access efforts reflect numerous actions and initiatives ranging from enlarging jury pools to providing assistance to self-represented litigants. Access also means making sure that people receive fair and equal treatment by the justice system regardless of their economic status. Too often those with limited resources do not have access to the justice system. Thus, the court system remains committed to providing services at convenient times in the community, with satellite courts, night court parts to meet the needs of working families, expanded mediation and alternative dispute resolution programs, and services to self-represented litigants within the courthouses. The court system has also created an Access to Justice Center to concentrate on promoting ideas to improve the delivery of services and on identifying permanent funding sources, programs and legislation that will ensure meaningful access to justice for all civil litigants.

A major impediment to access to justice has been removed with passage of new hourly rates for New York's court-appointed attorneys. The provisions of Chapter 62 of the Laws of 2003 increased the rates of compensation to \$75 per hour for representation of criminal defendants charged with a felony and for representation of indigent adults and children in Family Court to \$60 per hour for non-felony criminal representation. The new law also necessitated the creation of the Indigent Legal Services Fund, through which the UCS and local governments will be reimbursed for the increased representation costs. These new hourly rates take effect on January 1, 2004. The adoption of these rate increases, especially in this difficult fiscal climate, is an acknowledgment of the critical importance of adequate compensation for legal representation in Criminal and Family matters.

Community education and outreach is also a central component of the Judiciary's access to justice efforts. Outreach to the public has involved a variety of programs and educational efforts, including development of the court system's new Web site that has been created to provide 24-hour access to vital court information. The redesigned site – <http://www.nycourts.gov> – also features a Court Help page with easy to understand information for the self-represented about the courts. The new Web site also acts as a portal linking the public to web pages of individual courts and to information about court programs, jury service, career opportunities and attorney registration. Important diversity initiatives also will continue in the coming fiscal year to improve access to justice and are included in the Judiciary's budget request. One of the key diversity initiatives for the coming year is the year-long fellowship program for law school graduates interested in pursuing careers in court system public service. Also, the court system will continue its Justiceworks program which specifies the various resources and services available to court users and outlines a strategy for eliminating barriers to justice in New York.

#### **CIVIL JUSTICE**

The Comprehensive Civil Justice Program was initiated to move civil cases through the system more efficiently by means of more active court management of cases. This program has been instrumental in reducing the pending inventory of trial-ready cases to the lowest level in many years. Efforts continue on greater attention to getting cases ready for trial, ensuring case milestones are met in a timely fashion. The program features technological innovations, including pilot locations for the electronic filing of court papers.

Designating cases as expedited, standard or complex and active standards and goals compliance monitoring by the court also plays an important role in ensuring timely case processing. For Supreme Court civil matters, three standards are used to measure the length

of time from case filing to disposition. The first, or “pre-note” standard, measures the time from filing the Request for Judicial Intervention to filing the trial note of issue. The second, or “note” standard, measures the time from filing the trial note of issue to disposition. The third, or “overall” standard, covers the entire period from filing of the RJI to disposition.

Expedited cases must meet the first standard within 8 months, the second within 15 months and the third within 23 months. Standard cases (which include most tort and contract matters) must meet the first standard within 12 months, the second within 15 months, and the third within 27 months. Complex cases (e.g., medical malpractice cases) must meet the first standard within 15 months, the second within an additional 15 months, and the third within 30 months.

Specialized parts for specific case types have proven successful, including commercial parts, matrimonial parts, motor vehicle parts, and dedicated parts for cases in which New York City is a defendant. The use of specialized parts will continue with appropriate support. In matrimonial parts, for example, the addition of social workers to assist families in addressing related custody and visitation disputes has improved the quality and the timeliness of the case resolution. For commercial cases, the Commercial Division operates in Albany, New York, Erie, Monroe, Nassau, Suffolk and Westchester County Supreme Courts.

### **COURT TECHNOLOGY**

Technology continues to play a central role in allowing the Judiciary to effectively manage and process its high-volume caseloads and in improving public access to court information. The Statewide intranet (CourtNet) provides the technology, intranet web-based information and applications that support automated case management, administrative functions and internal communications through e-mail and video-conferencing. The court system has also used its technology network to facilitate Internet access by the public to vital court information.

The court system’s automation program will continue investments in a number of ongoing projects to upgrade and modernize centralized computer operations and to replace basic office and courtroom technology such as desktop computers, servers, network devices, storage systems and printers. This budget request also reflects annual funding for these projects and new State supported bond funding authorization to finance certain hardware and software equipment replacements and upgrades. This combination of base budget and State supported bond funding will ensure the reliability and efficiency of operations statewide. Among the critical automation services that will be maintained through the resources proposed in this budget are the maintenance of CourtNet, the court system’s statewide intranet system; continued development of the court system’s Universal Case Management System to replace existing automated and manual case processing applications; and design of a case management application for the 2,300 Town and Village Courts and for specialized drug treatment courts, domestic violence courts and community courts.

As part of the court system’s automation program, efforts also will continue to streamline and improve human resource information applications and processes. The budget request continues funding for the human resource and timekeeping applications that were recommended as part of the recently completed comprehensive human resource business process analysis. The uniform automated timekeeping system, now in the implementation phase, will streamline time and leave functions. Funding will also support work to design and implement new automated systems to support various other personnel functions including position management, employee histories, leave management and regulatory records requirements.

### **TOWN AND VILLAGE COURTS**

The Justice Court Assistance Program, enacted by the Legislature during the 1999 session, provides financial assistance for various purposes, including automation, training for judges and court staff, purchasing of legal reference materials, and improvement of court facilities. Magistrates Associations, which represent town and village justices, also may apply for funds to be used toward judicial training programs. In the current fiscal year, the Unified

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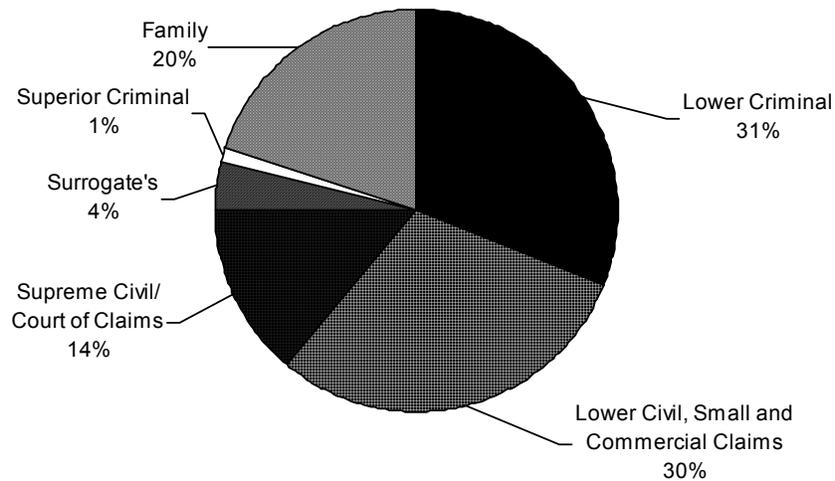
Court System will disburse \$500,000 in grants to these local courts across the state. Funding for grants will be capped at a maximum of \$20,000 for any one court or association. The grants being made available under the program will supplement local funding to address specific needs, such as automation and training of court personnel. This initiative is intended to increase the efficiency of Town and Village Court operations and enhance the administration of justice on a local level. The proposed budget for the Judiciary continues funding for this program of grant assistance at the current year level.

### **COURT SYSTEM WORKLOAD**

The court system is handling record level caseloads. In 2002, there were 3,568,074 new cases filed in the trial courts of the Unified Court System, excluding traffic and parking cases, an increase of over 850,000 filings, or 32 percent, since 1993.

Filings and dispositions in 2002, by case type, were as follows:

#### **Trial Court Filings by Case Type - 2002**

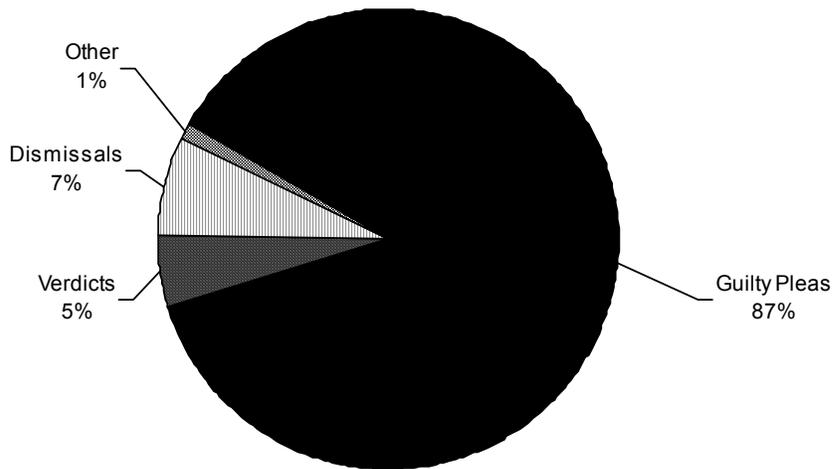


**CRIMINAL CASES**

***Criminal Term of Supreme and County Courts***

- Felony Filings - 53,274
- Felony Dispositions - 56,127

**Felony Dispositions  
by Type of Disposition - 2002**



***Criminal Court of the City of New York***

- Filings (arrest cases) - 324,679
- Dispositions (arrest cases) - 325,193
- Filings (summons cases) - 473,748
- Dispositions (summons cases) - 339,792

***City and District Courts Outside New York City***

- Filings - 289,982
- Dispositions - 281,461

# JUDICIARY

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## CIVIL CASES

### *Civil Term of Supreme Court*

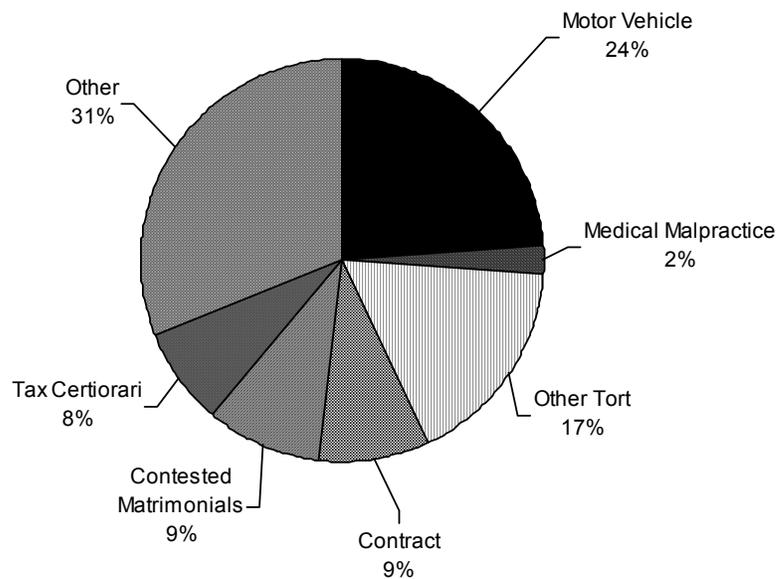
#### Civil Actions

- Filings - 422,022
- Dispositions - 432,136

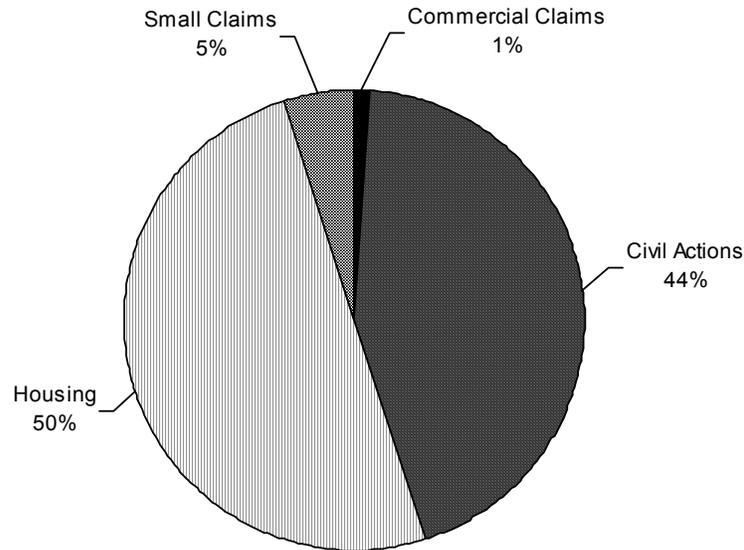
#### Small Claims Assessment Review Program (SCAR)

- Filings - 51,218
- Dispositions - 66,656

### Supreme Civil New Case Filings by Case Type - 2002



## NYC Civil Court Filings by Case Type - 2002



### ***Civil Court of the City of New York***

#### Civil Actions

- Filings - 339,564
- Dispositions - 150,114

#### Small Claims/Commercial Claims

- Filings - 45,520
- Dispositions - 47,097

#### Housing Court

- Filings - 385,593
- Dispositions - 304,546

### ***City and District Courts Outside New York City***

#### Civil Actions

- Filings - 153,013
- Dispositions - 116,676

#### Small Claims/Commercial Claims

- Filings - 49,729
- Dispositions - 50,114

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## Landlord/Tenant

- Filings - 80,682
- Dispositions - 77,527

## County Courts

- Filings - 25,978
- Dispositions - 26,124

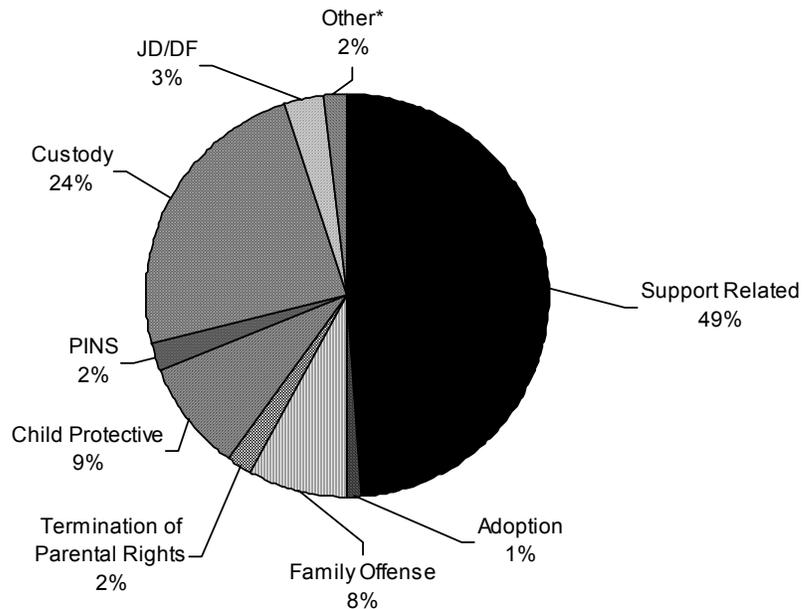
## Court of Claims

- Filings - 1,826
- Dispositions - 2,000

## Arbitration Program

- Filings - 18,622
- Dispositions - 17,397

## Family Court Filings by Case Type - 2002



\*Includes Guardianship, Foster Care, Physically Handicapped, Consent to Marry, and Other.

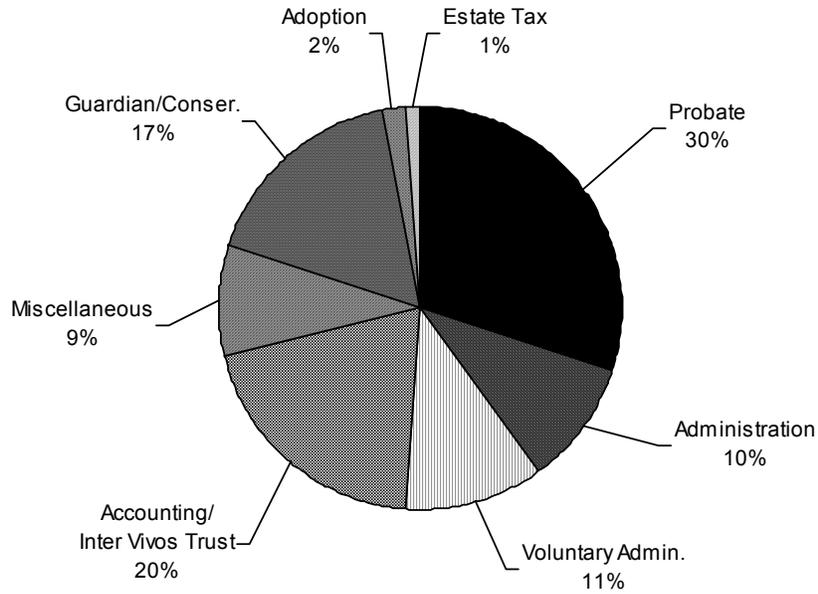
## Family Courts

- Filings - 712,726
- Dispositions - 708,131

Surrogate's Courts

- Filings - 158,520
- Dispositions - 127,816

Surrogate's Court Filings  
Proceedings by Case Type - 2002



## **2004-05 JUDICIARY BUDGET REQUEST**

The budget request for the Judiciary General Fund Court and Agency Operations for fiscal year 2004-2005 is \$1.36 billion, a 1.26 percent increase over the current year. The All Funds Court and Agency portion of the request, including the General Fund as well as Special Revenue and Federal Funds, is \$1.45 billion, a 2.7 percent increase over the current year fiscal appropriation of \$1.41 billion.

The Unified Court System continues to strive for efficiencies and economies in all aspects of court and agency operations. These initiatives are manifested in this budget request in the form of real savings to offset much of the increase in costs mandated for fiscal 2004-05. The \$16.9 million General Fund Operations increase is actually far less than the mandatory increases of more than \$28 million for next fiscal year; in fact, the cost for the continuation of salary increments as required by statute alone (\$17.4 million) exceeds the overall requested increase. This is possible by attaining real savings of almost \$20 million from the continuation of a strict vacancy control and position management program, elimination of all but essential travel, consolidation of sites for required judicial and nonjudicial training, restrictions on purchasing, and using the resultant savings to offset a significant portion of the mandated costs.

The budget request includes full funding for all authorized judicial positions and funding for targeted nonjudicial positions. The personal service request also includes funding for salary increments for eligible nonjudicial employees pursuant to statute. Adjustments are also reflected for certificated justices and staff changes and annualization of costs for security and drug treatment court positions that were partially funded in the current year. In nonpersonal service, funds provide for jury per diem payments consistent with projected workload levels; legal reference materials and electronic research services at contractually agreed to rates; contractual security services with increases related to collective bargaining agreements for locally provided security; judicial hearing officer support, and other requisite per diem payments for trial-related services; finance payments for prior year equipment financing programs; and other necessary support for basic costs such as office supplies, telephones, space and equipment rentals associated with the day-to-day operations of the courts and court-related agencies. Judicial education and training programs for court administrators and employees are also continued to improve the quality of justice.

### **RECOMMENDED DEFICIENCY REQUEST**

The fiscal 2003-2004 Judiciary budget request included a pension payment to the New York State Retirement System in the amount of \$51 million based on the estimate provided by the State Comptroller's Office in October 2002. The actual amount for which the Unified Court System was ultimately billed was \$64.4 million in September 2003. At that time, only \$51 million of the total obligation was paid, consistent with the amount requested and appropriated. Accordingly, a fiscal 2003-04 deficiency in the amount of \$13.95 million is recommended allowing payment in full of the September billing and avoiding additional late payment interest charges. In addition, legislation enacted during the 2003 legislative session provides for a long overdue increase to the assigned counsel and law guardian rates, effective January 1, 2004. While the legislation designated the Indigent Legal Services Fund as the source of such payments, no appropriation authority for the Judiciary to begin payment of the higher rates to state paid Law Guardians was included. Accordingly, a deficiency request in the amount of \$6.25 million is recommended from the Indigent Legal Services Fund.

**ANALYSIS OF CHANGE**

The Judiciary's 2004-05 Court and Agency Operations - General Fund budget increase totals \$16.9 million. The major components of the General Fund Operations change include:

- \$17.4 million for salary increments for eligible nonjudicial employees in accordance with collective bargaining contracts and administrative provision.
- \$.7 million for certificated justices and staff on 1/1/2004 and 1/1/2005 - a net increase of 2 justices pursuant to section 115 of the Judiciary Law.
- \$1.2 million for the continued operations of the Drug Treatment Courts.
- \$2.1 million in security enhancements including the establishment of previously authorized lines for increased coverage necessitated with the opening of new and rehabilitated court facilities.
- \$.2 million for expansion of night court sessions in the New York City Family Court.
- \$2.6 million in savings efficiencies associated with overtime expenses.
- \$10.7 million in personal service savings attributable to the continuation of a strict vacancy control and position management program.
- \$3.5 million for the annualization of contractual security enhancements approved in the current year and for collective bargaining changes that will take effect in the coming year.
- \$3.3 million for Law Guardian Program increases for Legal Aid contracts and panel usage to address increases in law guardian assignments and contractual obligations.
- \$1.0 million attributable to the transfer of Information Technology funding to the General Fund from the Judicial Data Processing Offset Fund.
- \$.3 million for jury per diem costs including \$75,000 associated with the rate increase for Town and Village courts.
- \$.2 million for a modest expansion of the CASA program.
- \$.1 million for increases in the Alternate Dispute Resolution program.
- \$3.1 million for legal reference increases (automation and print).
- \$3.3 million for replacement security equipment and furnishings necessitated by the lack of funding in several previous years.
- \$6.2 million in nonpersonal service efficiency savings.

## JUDICIARY

### THE JUDICIARY BUDGET - 2004-2005

The following is a Summary of the 2004-2005 fiscal requirements of the Judiciary including the financial plan in support of the budget proposals.

UNIFIED COURT SYSTEM  
2004-05 BUDGET REQUEST  
ALL FUNDS APPROPRIATION REQUIREMENTS  
MAJOR PURPOSE/FUND SUMMARY  
(dollars)

Category/Fund/Major Purpose	2003-2004 Available	2004-2005 Requested	Change
<b>Court and Agency Operations:</b>			
Courts of Original Jurisdiction	1,164,438,029	1,175,237,583	10,799,554
Court of Appeals	13,251,535	13,256,293	4,758
Appellate Court Operations	59,121,171	60,437,947	1,316,776
Appellate Auxiliary Operations	76,947,019	81,490,784	4,543,765
Administration and General Support	18,563,864	18,860,299	296,435
Judiciary Wide Maintenance Undistributed	8,895,227	8,837,678	(57,549)
<b>Court and Agency Operations – General Fund Total</b>	<b>1,341,216,845</b>	<b>1,358,120,584</b>	<b>16,903,739</b>
<b>Special Revenue Fund-Federal</b>	<b>6,500,000</b>	<b>10,500,000</b>	<b>4,000,000</b>
<b>Special Revenue Fund-Other</b>			
NYC County Clerks Operations Offset Fund	18,476,447	18,389,928	(86,519)
Judiciary Data Processing Offset Fund	12,933,484	12,015,501	(917,983)
Miscellaneous Special Revenue Fund	3,000,000	2,500,000	(500,000)
Attorney Licensing Fund	19,785,734	19,849,980	64,246
Indigent Legal services Fund	6,250,000	25,000,000	18,750,000
Court Facilities Incentive Aid Fund	2,183,275	2,083,451	(99,824)
<b>Court and Agency Operations – All Funds Total</b>	<b>1,410,345,785</b>	<b>1,448,459,444</b>	<b>38,113,659</b>
<b>Lawyers' Fund for Client Protection</b>			
Lawyers' Fund for Client Protection	9,776,788	9,798,180	21,392
<b>Lawyers' Fund for Client Protection –Total</b>	<b>9,776,788</b>	<b>9,798,180</b>	<b>21,392</b>
<b>Aid to Localities</b>			
General Fund-Courts of Original Jurisdiction	500,000	500,000	0
Court Facilities Incentive Aid Fund	87,095,749	88,164,224	1,068,475
<b>Aid to Localities – All Funds Total</b>	<b>87,595,749</b>	<b>88,664,224</b>	<b>1,068,475</b>

**UNIFIED COURT SYSTEM  
2004-05 BUDGET REQUEST  
ALL FUNDS APPROPRIATION REQUIREMENTS  
MAJOR PURPOSE/FUND SUMMARY  
(FUND DETAIL)  
(dollars)**

<b>Category/Fund/Major Purpose</b>	<b>2003-2004 Available</b>	<b>2004-2005 Requested</b>	<b>Change</b>
<b><u>Court and Agency Operations:</u></b>			
<b>Courts of Original Jurisdiction</b>			
General Fund	1,164,313,029	1,175,237,583	10,924,554
Special Revenue Funds	41,442,098	43,969,902	2,527,804
<b>Total – All Funds</b>	<b>1,205,755,127</b>	<b>1,219,207,485</b>	<b>13,452,358</b>
<b>Court of Appeals</b>			
General Fund	13,251,535	13,256,293	4,758
Special Revenue Funds	0	0	0
<b>Total – All Funds</b>	<b>13,251,535</b>	<b>13,256,293</b>	<b>4,758</b>
<b>Appellate Court Operations</b>			
General Fund	59,121,171	60,437,947	1,316,776
Special Revenue Funds	0	0	0
<b>Total – All Funds</b>	<b>59,121,171</b>	<b>60,437,947</b>	<b>1,316,776</b>
<b>Appellate Auxiliary Operations</b>			
General Fund	77,072,019	81,490,784	4,418,765
Special Revenue Funds	23,601,094	42,164,722	18,563,628
<b>Total – All Funds</b>	<b>100,673,113</b>	<b>123,655,506</b>	<b>22,982,393</b>
<b>Administration and General Support</b>			
General Fund	18,563,864	18,860,299	296,435
Special Revenue Funds	2,698,798	2,666,707	(32,091)
<b>Total – All Funds</b>	<b>21,262,662</b>	<b>21,527,006</b>	<b>264,344</b>
<b>Judiciary Wide Maintenance Undistributed</b>			
General Fund	8,895,227	8,837,678	(57,549)
Special Revenue Funds	1,386,950	1,537,529	150,579
<b>Total – All Funds</b>	<b>10,282,177</b>	<b>10,375,207</b>	<b>93,030</b>
<b>Court and Agency Operations – Total</b>			
General Fund	1,341,216,845	1,358,120,584	16,903,739
Special Revenue Funds	69,128,940	90,338,860	21,209,920
<b>Total – All Funds</b>	<b>1,410,345,785</b>	<b>1,448,459,444</b>	<b>38,113,659</b>
<b><u>Lawyer's Fund for Client Protection</u></b>			
General Fund	0	0	0
Special Revenue Funds	9,776,788	9,798,180	21,392
<b>Total – All Funds</b>	<b>9,776,788</b>	<b>9,798,180</b>	<b>21,392</b>
<b><u>Aid to Localities</u></b>			
General Funds	500,000	500,000	0
Special Revenue Funds	87,095,749	88,164,224	1,068,475
<b>Total – All Funds</b>	<b>87,595,749</b>	<b>88,664,224</b>	<b>1,068,475</b>

# JUDICIARY

UNIFIED COURT SYSTEM  
2004-05 BUDGET REQUEST  
ALL FUNDS DISBURSEMENT REQUIREMENTS  
(millions of dollars)

Category/Fund	2003-2004 Projected	2004-2005 Projected	Change
<b><u>Court and Agency Operations:</u></b>			
<i>General Fund</i>	1,310.6	1,310.5	(0.1)
<i>Special Revenue Funds-Federal</i>	7.2	7.7	0.5
<b><i>Special Revenue Funds-Other</i></b>			
NYC County Clerks Operations Offset Fund	17.2	17.5	0.3
Judiciary Data Processing Offset Fund	11.3	11.5	0.2
Indigent Legal Services Fund	3.0	25.0	22.0
Miscellaneous Special Revenue	20.8	21.1	0.3
Court Facilities Incentive Aid Fund	2.1	2.1	0.0
<b><i>Court and Agency Operations – All Funds Total</i></b>	<b>1,372.2</b>	<b>1,395.4</b>	<b>23.2</b>
<b><u>Lawyers' Fund for Client Protection</u></b>			
Lawyers' Fund for Client Protection	7.7	9.3	1.6
<b><i>Lawyers' Fund for Client Protection – Total</i></b>	<b>7.7</b>	<b>9.3</b>	<b>1.6</b>
<b><u>Aid to Localities</u></b>			
General Fund - Courts of Original Jurisdiction	0.5	0.5	0.0
Court Facilities Incentive Aid Fund	94.2	100.9	6.7
<b><i>Aid to Localities – All Funds Total</i></b>	<b>94.7</b>	<b>101.4</b>	<b>6.7</b>
<b><u>Capital Projects</u></b>			
Courthouse Improvements	15.7	3.5	(12.2)
<b><i>Capital Construction – All Funds Total</i></b>	<b>15.7</b>	<b>3.5</b>	<b>(12.2)</b>

# ***THE LEGISLATURE***

The New York State Constitution vests the State's law-making power in a two-house Legislature composed of a 62-member Senate and a 150-member Assembly. Each representative is elected for two-year terms, with all 212 being elected every two years. The Legislature convenes annually on the first Wednesday after the first Monday in January and remains in session until it concludes its business.

The Legislature has many powers set by the State Constitution. These responsibilities include:

- the ability to propose laws;
- the power to override a gubernatorial veto if two-thirds of the Senate and Assembly vote to do so;
- the reapportionment of legislative and congressional districts every ten years after the national census;
- the confirmation by the Senate of gubernatorial appointments of non-elected state officials and court judges;
- the proposition of amendments to the State Constitution;
- voting on ratification of proposed amendments to the Federal Constitution; and
- the creation, regulation and, in some limited cases, abolition of local governments.

Subject to the limitations and prohibitions imposed by the Federal Constitution, certain Federal statutes and treaties, and the State Constitution, the law-making powers of the Legislature are practically unlimited. The principal purposes of bills considered by the Legislature are to:

- enact or amend laws relating to the government of the State and its various subdivisions;
- appropriate funds for the operation of the various agencies and functions of State government and for State aid to local governments, and to provide adequate revenue-producing sources for these purposes;
- provide for and regulate the operation of a judicial system, including the practices and procedures for the system;
- define acts or omissions that constitute crimes, and to provide penalties for these crimes;
- promote the public welfare, including the care of the State's indigent, mentally ill, unemployed, etc.; and
- correct, clarify, amend or repeal obsolete, conflicting, uncertain or invalidated statutes.

In addition to the Senate and Assembly, the Legislature's Budget authorizes funding for several other components, which support the operations of the two houses, including:

- part of the Lieutenant Governor's office;
- fiscal committees operating in each house; and
- joint entities, including the Legislative Ethics Committee, Legislative Library, Legislative Health Services, Legislative Messenger Service, Legislative Bill Drafting Commission and the Legislative Task Force on Demographic Research and Reapportionment.

Each of these Legislative components will be discussed in separate sections below.

## ***LEGISLATIVE BUDGET HIGHLIGHTS***

The recommended General Fund appropriation of \$200,534,804 for fiscal year 2004-05 for the Legislature represents no change from the amount appropriated for FY 2003-04, and follows a 3 percent budget decrease in FY 2003-04 below the amount appropriated in FY 2002-03. The Legislature's budget request for FY 2004-05 represents an overall increase of 9.33 percent over the past fourteen years. Over this same period, the Consumer Price Index will have increased by 45.7 percent.

# LEGISLATURE

## LEGISLATIVE BUDGET SUMMARY GENERAL FUND APPROPRIATIONS

Entity	Available FY 03-04	Recommended FY 04-05	Change
Lt. Governor	\$277,409	\$277,409	\$0
Senate	\$79,636,489	\$79,636,489	\$0
Assembly	\$94,646,577	\$94,646,577	\$0
Fiscal Committees	\$10,465,222	\$10,465,222	\$0
Joint Legislative Entities	\$15,509,107	\$15,509,107	\$0
<b>LEGISLATURE TOTAL</b>	<b>\$200,534,804</b>	<b>\$200,534,804</b>	<b>\$0</b>

## LEGISLATIVE BUDGET HISTORY FISCAL YEAR 1990-91 TO 2004-05 GENERAL FUND APPROPRIATIONS

FY 90-91 Approp.	FY 03-04 Approp.	FY 04-05 Recommended	Change from FY 03-04 Approp. (%)	Change from FY 90-91 Approp. (%)
\$183,405,313	\$200,534,804	\$200,534,804	\$0 (0%)	+\$17,129,491 (+9.33%)

## LEGISLATIVE BUDGET GENERAL FUND APPROPRIATIONS COMPARISON TO CONSUMER PRICE INDEX FISCAL YEAR 1990-91 THROUGH FISCAL YEAR 2004-2005

	FY 1990-91	FY 2003-04	FY 2004-05	% Change 90-91 to 04-05
Legislative Budget	\$183,405,313	\$200,534,804	\$200,534,804	+12.72%
Consumer Price Index	138.5	197.5*	201.8*	+45.7%

\* estimated

The recommended Special Revenue Fund-Other appropriation of \$1,600,000 for FY 2004-05 represents no change from the amount appropriated for FY 2003-04. No tax revenues are required for Special Revenue Funds.

The recommended Grants and Bequests Fund appropriation of \$500,000 for FY 2004-05 represents no change from the amount appropriated for FY 2003-04. No tax revenues are required for Grants and Bequests Funds.

## LIEUTENANT GOVERNOR

The Lieutenant Governor serves as the Senate's President and has a casting vote. The Lieutenant Governor's salary of \$151,500 appears as part of the Legislative Budget. The Legislature also funds a part of the Lieutenant Governor's Office.

## BUDGET HIGHLIGHTS

The recommended appropriation of \$277,409 for fiscal year 2004-05 for the Lieutenant Governor represents no change from the amount appropriated for FY 2003-04.

## SENATE

The Senate is composed of 62 Members elected for two-year terms from districts around the state. Each Senator represents approximately 306,000 constituents. The Senate conducts its legislative business through the operation of 33 Standing Committees.

The Senate elects from among its Members for a two-year term a Temporary President who directs and guides the business of the Senate, appoints Members to Senate Standing Committees, and appoints the Senate's staff. The Temporary President serves as the presiding officer in the absence of the Lieutenant Governor or may delegate this duty to

another Member. In addition, the Temporary President serves as the Majority Leader of the majority party, while the minority party of the Senate chooses a Minority Leader from among its membership.

Senate Members have staff to assist them in carrying out their legislative duties, delivering constituent services and, where applicable, in fulfilling their responsibilities as committee chairs or leaders of the Senate. Members are also provided with office space both in Albany and the district, as well as office equipment, furnishings and supplies, in order to serve their constituents. Travel expenses for approved official Senate business are reimbursable. The Majority and Minority Leaders each have staff to provide counsel, policy analysis, program development and Washington, D.C. representation. The Temporary President, through the Secretary of the Senate, employs staff to operate the Senate Chamber during session and to handle the legislative process during the remainder of the year, furnish research and computer services, and provide administrative services such as personnel, fiscal, maintenance, and printing services for the Senate. The Temporary President also has staff to deliver communications services for the Senate. Finally, the Senate operates a program for college students which includes a Session Assistant program for undergraduates and a Student Fellows program for post-graduates who wish to learn about and experience the legislative process by working with Senate Members.

In addition to the Senate's General Fund appropriation, a Special Revenue Fund (Senate Recyclable Materials, Information Services and Conference Fund) has been established to collect revenues from the sale of recyclable materials, distribution of documents, materials and computerized information, and fees charged for conferences sponsored by the Senate. These revenues may be used to pay for waste disposal, production and distribution of Senate documents, materials and computerized information, and expenses related to conferences sponsored by the Senate. A Grants and Bequests Fund has also been established to receive non-state grants which may be used to pay for services and expenses related to the restoration of the Senate Chamber.

### **BUDGET HIGHLIGHTS**

The recommended appropriation for the Senate of \$79,636,489 for FY 2004-05 represents no change from the amount appropriated for FY 2003-04. This "no growth" budget follows a 2.66 percent budget decrease in FY 2003-04 and a "no growth" budget in FY 2002-03.

As detailed in the Table below, the Senate (including the Legislative Commissions for which funding was eliminated in the FY 1995-96 budget) has seen its budget increase by \$8,772,022 or 12.38 percent from the \$70,864,467 appropriated in FY 1990-91. Over the same fourteen-year period, the consumer price index has increased by 45.7 percent.

In the past eight years, the Senate has reduced its staff by 357 employees or 19.5 percent, eliminated its Washington, D.C. and New York City office leases, closed many district offices, and reduced the number of district-wide mailings allowed each Member. The Senate has also granted an across-the-board cost-of-living increase for its staff in only nine of the past fourteen years. The Senate continued to tightly control its non-personal service expenses by restraining the purchasing of office supplies and furnishings, severely restricting travel, delaying essential equipment upgrades and reducing expenditures in other ways while the costs of these have continued to rise, often above the rate of inflation.

## LEGISLATURE

### SENATE BUDGET HISTORY FISCAL YEAR 1990-91 TO 2004-05 GENERAL FUND APPROPRIATIONS

	FY 90-91 Approp.	FY 03-04 Available	FY 04-05 Recommended	Change from FY 03-04 (%)	Change from FY 90-91 (%)
Senate Budget	\$67,238,167	\$79,636,489	\$79,636,489		
Senate Commissions	\$3,626,300	\$0	\$0		
<b>TOTAL</b>	<b>\$70,864,467</b>	<b>\$79,636,489</b>	<b>\$79,636,489</b>	<b>\$0 (0%)</b>	<b>+\$8,772,022 (+12.38%)</b>

## ASSEMBLY

The Assembly is composed of 150 members elected for two-year terms from districts around the state. Each Member of Assembly represents approximately 127,000 constituents. The Assembly conducts its legislative business through the operation of 36 standing committees.

The Assembly elects from among its members a Speaker who directs and guides the business of the Assembly, and appoints members to Assembly Standing Committees and Assembly leadership positions. The Speaker serves as the presiding officer of the Assembly. The minority party of the Assembly chooses a Minority Leader from their membership.

Each Member of Assembly is entitled to employ staff to assist them in carrying out their legislative duties and, where applicable, their responsibilities as Committee Chairs or leadership. Members are also provided with office space both in Albany and the district, as well as office equipment, furnishings and supplies, in order to serve their constituents. The State Constitution provides for reimbursement to Assembly Members for travel to the Capitol from their district, and Members and staff are also eligible for reimbursement of other travel related to legislative business. The Speaker of the Assembly and the Assembly Minority Leader employ staff to provide counsel, legislative program development and policy analysis. The Assembly also employs staff to serve the needs of the house, including the operation of the Assembly Chamber during session, the management of the legislative process, and research, communications and administrative services. The Assembly also administers an Intern Program to provide opportunities to undergraduate and graduate college students to learn about the legislative process while utilizing their skills to assist the Assembly Members in fulfilling their constitutional responsibilities.

In addition to the Assembly's General Fund appropriation, a Special Revenue Fund (Assembly Recyclable Materials, Information Services and Conference Fund) has been established to collect revenues from the sale of recyclable materials, distribution of documents, materials and computerized information, and fees charged for conferences sponsored by the Assembly. These revenues may be used to pay for waste disposal, production and distribution of Assembly documents, materials and computerized information, and expenses related to conferences sponsored by the Assembly. A Grants and Bequests Fund has also been established to receive non-state grants which may be used to pay for services and expenses related to the restoration of the Assembly Chamber.

## BUDGET HIGHLIGHTS

The recommended appropriation for FY 2004-05 of \$94,646,577 represents no change from the amount appropriated for FY 2003-04. This "no growth" budget request follows a 2.66 percent budget decrease in FY 2003-04, and a "no growth" budget in FY 2002-03.

Over the past fourteen years, as detailed below, the Assembly's budget (including Assembly Commissions for which funding was eliminated in FY 1995-96) has increased by 12.27 percent while over the same period, the Consumer Price Index has increased by 45.7 percent. The Assembly has been able to keep its spending over the past fourteen years well below inflation by reducing the payroll for Assembly controlled entities by over 390 positions, the elimination of regional offices, and other operational savings.

**ASSEMBLY BUDGET HISTORY  
FISCAL YEAR 1990-91 TO 2004-05  
GENERAL FUND APPROPRIATIONS**

	<b>FY 90-91 Approp.</b>	<b>FY 03-04 Available</b>	<b>FY 04-05 Recommended</b>	<b>Change from FY 03-04 (%)</b>	<b>Change from FY 90-91 (%)</b>
Assembly Budget	\$80,732,868	\$94,646,577	\$94,646,577		
Assembly Commissions	\$3,569,700	\$0	\$0		
<b>TOTAL</b>	<b>\$84,302,568</b>	<b>\$94,646,577</b>	<b>\$94,646,577</b>	<b>\$0 (0%)</b>	<b>+\$10,344,009 (+12.27%)</b>

**FISCAL COMMITTEES**

The Governor’s annual budget bills and the budgetary proposals for the Legislature and Judiciary are referred to these committees when introduced and are reported by them, with recommendations, to the Legislature. Designated representatives of the committees are entitled, by constitutional provisions, to attend the required hearings for the preparation of the budget and to make inquiry concerning any part thereof. These committees also consider all bills introduced in the Legislature carrying appropriations or providing for the expenditures of public money.

In addition, pursuant to the provisions of section 122-a of the State Finance Law, the Chairmen and ranking Minority Members of the Senate Finance Committee and the Assembly Ways and Means Committee function as an Audit Committee. The responsibilities of the Audit Committee include the selection of an independent certified public accountant to conduct an independent audit of the state’s annual financial statements, receiving the results of such independent audit, and submitting the certification received from the independent certified public accountant to the State Comptroller for inclusion in the annual financial report required pursuant to section 8 of the State Finance Law.

**BUDGET HIGHLIGHTS**

The recommended appropriation of \$5,232,611 for fiscal year 2004-05 for both the Senate Finance Committee and the Assembly Ways and Means Committee represents no increase from the amount appropriated for FY 2003-04.

**JOINT ENTITIES AND DUES PAYMENTS**

**LEGISLATIVE ETHICS COMMITTEE**

The Legislative Ethics Committee was created by Chapter 813 of the laws of 1987 and is a joint bipartisan committee authorized by law to act on matters arising out of Public Officers Law Sections 73, 73-a and 74, as applied to the legislative branch, and Legislative Law Section 80. The Committee is authorized by law to distribute, collect and review financial disclosure statements from legislators, employees and candidates for legislative office. The Committee renders formal advice on the law and investigates violations of the law, which are subject to civil and criminal penalties. The Legislative Ethics Committee is also required to adopt policies, guidelines, rules, and regulations to interpret and administer the legislative ethics laws. The eight-member committee is comprised of two members each from the Senate and Assembly majority and minority parties.

## ***LEGISLATURE***

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### ***BUDGET HIGHLIGHTS***

The recommended appropriation of \$358,900 for FY 2004-05 for the Legislative Ethics Committee represents no increase from the amount appropriated for FY 2003-04.

### ***LEGISLATIVE HEALTH SERVICE***

Section 7-b of the Legislative Law provides for a legislative emergency health station for the use of members and employees of the Legislature and legislative correspondents. This station is to be under the direction of a registered nurse and suitably and adequately equipped to administer first aid whenever needed.

### ***BUDGET HIGHLIGHTS***

The recommended appropriation of \$178,838 for FY 2004-05 for the Legislative Health Service represents no change from the amount appropriated for FY 2003-04.

### ***LEGISLATIVE LIBRARY***

Section 7-a of the Legislative Law provides for a Legislative Library to be located in the State Capitol, conveniently accessible to the members of both houses of the Legislature. The Legislative Library is the Library of Record for the Legislature. The Legislative Library is open throughout the year and all hours that the Legislature is actively in session, and provides general information services to legislators and their staffs with a collection emphasis on legal materials.

### ***BUDGET HIGHLIGHTS***

The recommended appropriation of \$663,375 for FY 2004-05 for the Legislative Library represents no change from the amount appropriated for FY 2003-04.

### ***LEGISLATIVE MESSENGER SERVICE***

The Legislative Messenger Service provides a communications network throughout the Empire State Plaza and neighboring state buildings for Senate and Assembly legislators and their staffs. The service employs and trains individuals with disabilities as office personnel and messengers, and is located in the Legislative Office Building.

### ***BUDGET HIGHLIGHTS***

The recommended appropriation of \$688,524 for FY 2004-05 represents no change from the amount appropriated for FY 2003-04.

### ***LEGISLATIVE BILL DRAFTING COMMISSION***

The Legislative Bill Drafting Commission is composed of two commissioners jointly appointed by the Temporary President of the Senate and the Speaker of the Assembly. The Commission is mandated to draft or aid in the drafting of legislative bills and resolutions at the request of members or committees of either house of the Legislature. The Commission, upon research and examination, may advise as to the constitutionality, consistency or effect

of proposed legislation upon request of a member or committee of either house of the Legislature. The Commissioners direct a legal staff of attorneys and are supported by a data processing and technical staff.

The Commission also maintains and operates centralized data processing systems, programs and equipment for the operation of a bill status and statutory and other miscellaneous information retrieval system for the Legislature, including the creation of a databank containing the official statutes of the state and the text of the rules and regulations of state agencies as filed with the Secretary of State. The Commission's budget is used to pay for the cost of the Legislature's printing contract for the printing of bills, session laws, the classification of appropriations book (Black Book), Senate and Assembly Journals, and other miscellaneous legislative documents, and the printing, publication and distribution of the Legislative Digest.

The Commission receives revenues from the private sale of subscriptions to the Legislative Digest and to the Legislative Retrieval Service (LRS), which are deposited in a Special Revenue Fund known as the Legislative Computer Services Fund. These revenues are used to offset the costs of operating the Commission's data processing systems.

### ***BUDGET HIGHLIGHTS***

The recommended appropriation of \$11,657,549 for fiscal year 2004-05 for the Legislative Bill Drafting Commission represents no change from the amount appropriated for FY 2003-04.

An appropriation of \$1,500,000 for FY 2004-05 is recommended for the Legislative Computer Services Fund. This recommended appropriation represents no change from the amount appropriated for FY 2003-04. No tax revenues are required for this Fund.

### ***LEGISLATIVE TASK FORCE ON DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT***

The Task Force on Demographic Research and Reapportionment was established by Chapter 45 of the laws of 1978 to research and study the techniques and methodologies used by the U.S. Commerce Departments' Bureau of the Census in carrying out the decennial federal census. The Task Force aids the Legislature by providing technical plans for meeting the requirements of legislative timetables for the reapportionment of Senate, Assembly and Congressional districts. Using its Geographic Information System database, it also conducts research projects relating to the collection and use of census data and other statistical information.

The Task Force is also authorized to receive revenues from the sale of computer-generated data and services for deposit in the Special Revenue Fund known as the Legislative Computer Services Fund. These funds may be used to offset the Task Force's cost of operating its data processing systems.

### ***BUDGET HIGHLIGHTS***

The total recommended appropriation of \$1,668,166 for fiscal year 2004-05 for the Legislative Task Force on Demographic Research and Reapportionment represents no change from the amount available for FY 2003-04.

## ***LEGISLATURE***

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### ***NATIONAL CONFERENCE OF STATE LEGISLATURES DUES***

The National Conference of State Legislatures (NCSL) is a bi-partisan organization created to serve the legislators and staff of each State Legislature. NCSL provides research, technical assistance and the opportunity for policy makers to exchange ideas on the most pressing state issues.

New York's involvement with the NCSL is through the Assembly on the Legislature (AOL) and State-Federal Assembly (SFA). The AOL promotes the exchange of ideas and information on state issues among state legislatures. SFA informs legislators of developments in state-federal relations, identifies issues of critical concern and serves as a forum for discussion among its 50-state membership. All state legislators and their staff members are eligible to participate in the Conference and are entitled to the full use of its services.

NCSL is supported from dues assessed to each State Legislature, on the basis of state population totals.

### ***BUDGET HIGHLIGHTS***

The recommended appropriation of \$293,755 for fiscal year 2004-05 for the National Conference of State Legislatures dues represents no change from amount appropriated for FY 2003-04.

**ALL FUNDS REQUIREMENTS FOR THE LEGISLATURE**

<b>Fund/Entity/Major Purpose</b>	<b>Available 2003-04</b>	<b>Recommended 2004-05</b>	<b>Change</b>
Lt. Governor	\$277,409	\$277,409	\$0
Senate	79,636,489	79,636,489	0
Assembly	94,646,577	94,646,577	0
Senate Finance Committee	5,232,611	5,232,611	0
Assembly Ways and Means Committee	5,232,611	5,232,611	0
Joint Entities:			
Legislative Ethics Commission	358,900	358,900	0
National Conference of State Legislatures Dues	293,755	293,755	0
Legislative Health Service	178,838	178,838	0
Legislative Library	663,375	663,375	0
Legislative Messenger Service	688,524	688,524	0
Legislative Bill Drafting Commission	11,657,549	11,657,549	0
Legislative Task Force on Demographic Research and Reapportionment	1,668,166	1,668,166	0
<b>Joint Entities Total</b>	<b>\$15,509,107</b>	<b>\$15,509,107</b>	<b>\$0</b>
<b>GENERAL FUND TOTAL</b>	<b>\$200,534,804</b>	<b>\$200,534,804</b>	<b>\$0</b>
Special Revenue Fund - Other:			
Legislative Computer Services Fund	\$1,500,000	\$1,500,000	\$0
Senate Recyclable Materials, Information Services and Conference Fund	50,000	50,000	0
Assembly Recyclable Materials, Information Services and Conference Fund	50,000	50,000	0
<b>SPECIAL REVENUE FUND TOTAL</b>	<b>\$1,600,000</b>	<b>\$1,600,000</b>	<b>\$0</b>
Grants and Bequests Fund:			
Restoration of Senate Chamber	250,000	250,000	0
Restoration of Assembly Chamber	250,000	250,000	0
<b>GRANTS AND BEQUESTS FUND TOTAL</b>	<b>\$500,000</b>	<b>\$500,000</b>	<b>\$0</b>

# LEGISLATURE

## SCHEDULE OF APPROPRIATIONS

Title of Appropriation	Appropriated for 2003-04	Requested for 2004-05	Change
<b>OFFICE OF THE LIEUTENANT GOVERNOR</b>			
Lieutenant Governor.....	\$151,500	\$151,500	\$0
<b>Administration</b>			
For personal service of employees and for temporary and expert services.....	\$111,000	\$111,000	\$0
<b>Maintenance and Operation</b>			
For services and expenses of maintenance and operation (including liabilities incurred prior to April 1, 2004) .....	\$14,909	\$14,909	\$0
Total—Office of Lieutenant Governor .....	\$277,409	\$277,409	\$0
<b>THE SENATE</b>			
<b>Personal Service</b>			
For payment of salaries to Members, 62, pursuant to section five of the Legislative Law.....	\$4,929,000	\$4,929,000	\$0
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	\$1,289,500	\$0
For personal service of employees and for temporary and expert services of majority leader and minority leader operations .....	\$9,193,807	\$9,193,807	\$0
For personal service of employees and for temporary and expert services of members' offices and of standing committees .....	\$27,906,841	\$27,906,841	\$0
For personal service of employees and for temporary and expert services for administrative support operations .....	\$13,625,611	\$13,625,611	\$0
For personal service of employees and for temporary and expert services for the senate student program office.....	\$465,266	\$465,266	\$0
For personal service of employees and for temporary and expert services for the senate select committee on interstate cooperation .....	\$77,601	\$77,601	\$0
For personal service of employees and for temporary and expert services for the senate special committee on the culture industry .....	\$77,601	\$77,601	\$0
For personal service of employees and for temporary and expert services for the senate select committee on the disabled .....	\$114,117	\$114,117	\$0
Total Personal Service .....	\$57,679,344	\$57,679,344	\$0
<b>Nonpersonal Service</b>			
For services and expenses of maintenance and operations (including liabilities incurred prior to April 1, 2004)			
Non-employee services .....	\$300,000	\$300,000	\$0
Supplies and Materials .....	\$2,100,000	\$2,100,000	\$0
Travel.....	\$1,300,000	\$1,300,000	\$0
Rentals.....	\$1,400,000	\$1,400,000	\$0
Equipment maintenance and repairs .....	\$1,400,000	\$1,400,000	\$0
Office and space leases .....	\$3,400,000	\$3,400,000	\$0
Utilities .....	\$950,000	\$950,000	\$0
Postage and shipping .....	\$4,500,000	\$4,500,000	\$0
Printing.....	\$200,000	\$200,000	\$0

Title of Appropriation	Appropriated for 2003-04	Requested for 2004-05	Change
Telephone and telegraph.....	\$2,262,000	\$2,262,000	\$0
Miscellaneous contractual services.....	\$300,000	\$300,000	\$0
Equipment.....	\$2,900,000	\$2,900,000	\$0
Total Nonpersonal Service .....	\$21,012,000	\$21,012,000	\$0
<b>Maintenance Undistributed</b>			
For services and expenses, including travel outside the state.....	\$945,145	\$945,145	\$0
Grand Total—The Senate .....	<u>\$79,636,489</u>	<u>\$79,636,489</u>	<u>\$0</u>

**THE ASSEMBLY**

**Personal Service**

Members, 150, payment of salaries pursuant to section five of the legislative law.....	\$11,925,000	\$11,925,000	\$0
For payment of allowances to members designated by the speaker.....	\$1,592,500	\$1,592,500	\$0
For personal service of employees and for temporary and expert services of members' offices and of standing committees and subcommittees .....	\$26,993,579	\$26,993,579	\$0
For personal service of employees and for temporary and expert services for administrative and program support operations.....	\$30,683,714	\$30,683,714	\$0
For the Assembly Intern and Youth Participation Program for personal service of employees and for temporary and expert services.....	\$777,976	\$777,976	\$0
Total Personal Service .....	<u>\$71,972,769</u>	<u>\$71,972,769</u>	<u>\$0</u>

**Nonpersonal Service**

For services and expenses of maintenance and operations (including liabilities incurred prior to April 1, 2004)			
Non-employee services .....	\$65,000	\$65,000	\$0
Supplies and Materials .....	\$2,300,000	\$2,300,000	\$0
Travel.....	\$2,550,000	\$2,550,000	\$0
Rentals.....	\$1,050,000	\$1,050,000	\$0
Equipment maintenance and repairs.....	\$1,200,000	\$1,200,000	\$0
Office and space leases .....	\$5,100,000	\$5,100,000	\$0
Utilities .....	\$700,000	\$700,000	\$0
Postage and shipping .....	\$4,200,000	\$4,200,000	\$0
Printing.....	\$113,000	\$113,000	\$0
Telephone and telegraph.....	\$2,300,000	\$2,300,000	\$0
Miscellaneous contractual services .....	\$550,000	\$550,000	\$0
Equipment.....	\$1,100,000	\$1,100,000	\$0
Total Nonpersonal Service .....	<u>\$21,228,000</u>	<u>\$21,228,000</u>	<u>\$0</u>

**Maintenance Undistributed**

For services and expenses, including travel outside the state.....	\$1,445,808	\$1,445,808	\$0
Grand Total—The Assembly .....	<u>\$94,646,577</u>	<u>\$94,646,577</u>	<u>\$0</u>

# LEGISLATURE

Title of Appropriation	Appropriated for 2003-04	Requested for 2004-05	Change
<b>SENATE FINANCE COMMITTEE</b>			
For personal service, temporary and special services (including liabilities incurred prior to April 1, 2004) .....	\$5,232,611	\$5,232,611	\$0
<b>ASSEMBLY WAYS &amp; MEANS COMMITTEE</b>			
For personal service, temporary and special services (including liabilities incurred prior to April 1, 2004) .....	\$5,232,611	\$5,232,611	\$0
<b><u>SENATE AND ASSEMBLY JOINT ENTITIES</u></b>			
<b>LEGISLATIVE ETHICS COMMITTEE</b>			
For services and expenses of the legislative ethics committee pursuant to section 80 of the legislative law .....	\$358,900	\$358,900	\$0
<b>NATIONAL CONFERENCE OF STATE LEGISLATURES</b>			
For a contribution to the National Conference of State Legislatures .....	\$293,755	\$293,755	\$0
<b>LEGISLATIVE HEALTH SERVICE</b>			
For services and expenses for the operation of the legislative health service.....	\$178,838	\$178,838	\$0
<b>LEGISLATIVE LIBRARY</b>			
For services and expenses and for temporary and special services for the operation of the legislative library.....	\$663,375	\$663,375	\$0
<b>LEGISLATIVE MESSENGER SERVICE</b>			
For services and expenses for the operation of the legislative messenger service.....	\$688,524	\$688,524	\$0
<b>LEGISLATIVE BILL DRAFTING COMMISSION</b>			
For services and expenses, temporary and special services, and for expenses of maintenance and operation			
<b>Schedule</b>			
Personal Service-Regular & Temporary .....	\$7,806,500	\$7,806,500	\$0
Nonpersonal Service .....	\$3,814,018	\$3,814,018	\$0
Legislative Digest Contract Administration .....	\$253,642	\$253,642	\$0
Legislative Printing Contract Administration .....	\$733,389	\$733,389	\$0
Total.....	\$12,607,549	\$12,607,549	\$0
Less Transfer from Legislative Computer Services Fund.....	(\$950,000)	(\$950,000)	\$0
Total available .....	\$11,657,549	\$11,657,549	\$0
<b>LEG. TASK FORCE ON DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT</b>			
<b>Maintenance Undistributed</b>			
For services and expenses (including liabilities incurred prior to April 1, 2004) of the task force for senate purposes ....	\$321,583	\$321,583	\$0
For services and expenses (including liabilities incurred prior to April 1, 2004) of the task force for assembly pur- poses .....	\$321,583	\$321,583	\$0
For services and expenses (including liabilities incurred prior to April 1, 2004) of the task force for joint operations .....	\$1,025,000	\$1,025,000	\$0
Amount available .....	\$1,668,166	\$1,668,166	\$0
Grand Total—Senate and Assembly Joint Entities.....	\$15,509,107	\$15,509,107	\$0

# LEGISLATURE

Title of Appropriation	Appropriated for 2003-04	Requested for 2004-05	Change
<b>SPECIAL REVENUE FUND - OTHER LEGISLATIVE COMPUTER SERVICES FUND</b>			
For services and expenses of the legislative computer services fund.....	\$1,500,000	\$1,500,000	\$0
<b>SENATE RECYCLABLE MATERIALS, INFORMATION SERVICES AND CONFERENCE FUND</b>			
For services and expenses of the senate recyclable materials, information services and conference fund .....	\$50,000	\$50,000	\$0
<b>ASSEMBLY RECYCLABLE MATERIALS, INFORMATION SERVICES AND CONFERENCE FUND</b>			
For services and expenses of the assembly recyclable materials, information services and conference fund .....	\$50,000	\$50,000	\$0
<b>GRANTS AND BEQUESTS FUND LEGISLATURE</b>			
<b>THE SENATE</b>			
<b>Maintenance Undistributed</b>			
For services and expenses relative to restoration of the Senate Chamber and other purposes as funded by non-state grants .....	\$250,000	\$250,000	\$0
<b>THE ASSEMBLY</b>			
<b>Maintenance Undistributed</b>			
For services and expenses relative to restoration of the Assembly Chamber and other purposes as funded by non-state grants.....	\$250,000	\$250,000	\$0