

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 2005-06. 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 \$2.1 billion, a \$126 million, or 6.5 percent increase over the current year, as adjusted for the impact of the 2004-05 pay bill. Of this amount, nearly \$1.9 billion is requested from the State tax dollar supported General Fund, reflecting an increase of \$108 million or 6.2 percent over 2004-05.

The requested General Fund increase includes:

- \$44.7 million for negotiated salary increments for State staff;
- \$52 million for increased fringe benefit costs;
- \$4.5 million for contracts and other fixed cost increases, including legal reference and the Law Guardian Program;
- \$12.5 million for annualization of current year initiatives, primarily for security enhancements; and
- \$12.3 million for new or expanded activities, including security equipment, continued expansion of Drug Treatment Courts and night court in New York City and for the Court Appointed Special Advocates Program.

These increases are partially offset by recurring savings totaling \$18 million resulting in a net General Fund increase of \$108 million. The All Funds appropriation growth reflects an additional \$16.4 million for the Court Facilities Incentive Aid Fund.

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

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.

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 the First Deputy Chief Administrative Judge; 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 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 Chief of Operations and the Administrative Director of the Courts. 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.

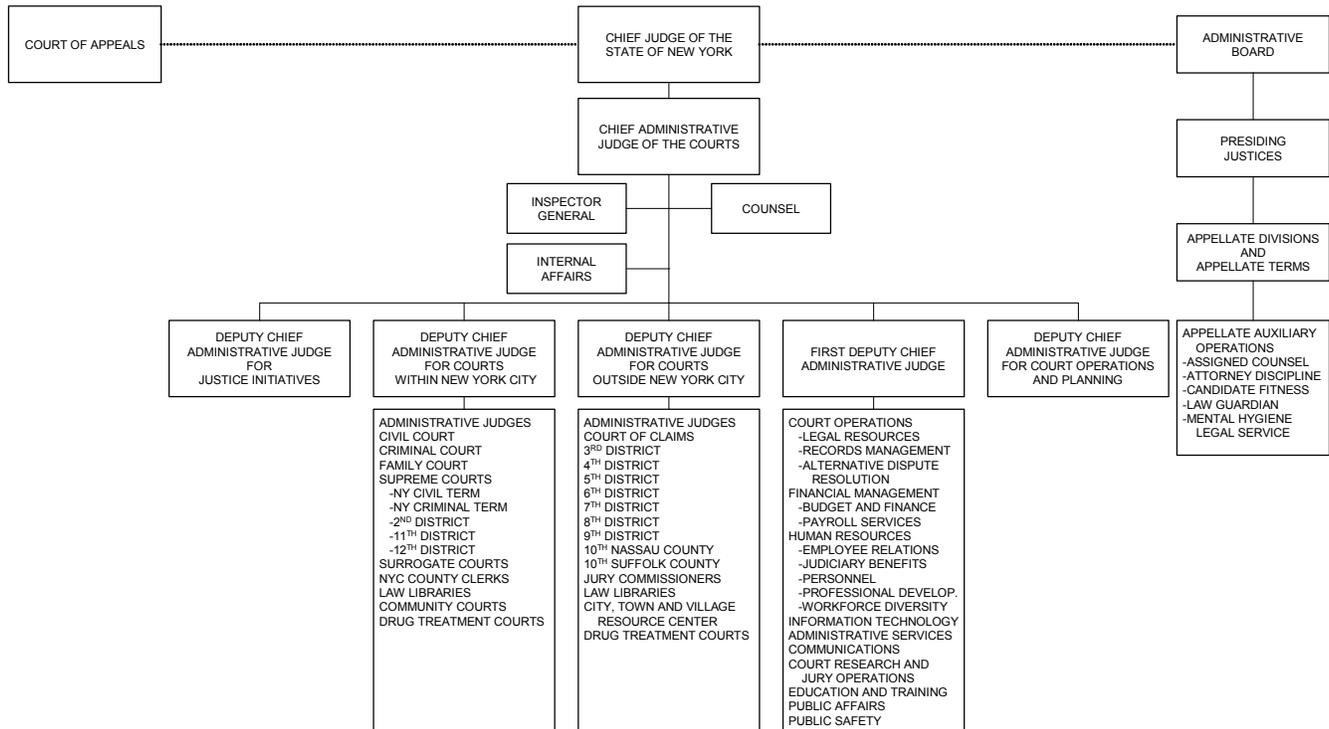
JUDICIARY

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.

New York State Unified Court System Administrative Structure



EXECUTIVE SUMMARY

THE COURT SYSTEM AND FISCAL ACCOUNTABILITY

The Judiciary's budget request for fiscal year 2005-2006 seeks the resources necessary to meet the court system's constitutional responsibilities. The funding request also reflects the Judiciary's commitment to work in partnership with the Governor and Legislature to meet the fiscal challenges faced by the State.

This budget request, like the budgets of recent years, seeks only essential funding for ongoing functions and priorities. For the third year, the Judiciary budget request seeks no additional nonjudicial positions, and leaves more than 400 authorized positions unfunded. As caseloads reach record levels, the court system continues to responsibly limit spending through a variety of cost saving measures. In the coming fiscal year, fiscal prudence will be achieved through continuation of a carefully monitored vacancy control program, purchasing restrictions, and the enhanced use of technology.

The request for Court Operations-General Fund is \$1.45 billion, an increase of four percent over current year appropriations. That increase is less than mandated cost increases, including legislatively approved collective bargaining agreements, security contracts, and the higher law guardian costs associated with enactment of higher reimbursement rates for assigned counsel. These mandatory cost increases are offset through various operational efficiencies, including the savings generated by the court system's vacancy control program, as well as restrictions on overtime, travel, and equipment purchases.

IMPROVING JUSTICE ADMINISTRATION AND OUTCOMES

The mission of the New York State Judiciary is to resolve all disputes that are brought before it, in a fair and timely manner. The challenge is to achieve this mission in the face of an ever-mounting caseload – in 2003, more than four million new cases were filed in the State's trial courts, an increase of over ten percent since 1999, and an increase of over thirty percent since 1993.

The Judiciary's budget request for the coming fiscal year seeks the funding necessary to fulfill this mission, including funding to fill long-term vacancies in those courts where the workload growth has been particularly steep (such as the New York City Civil Court, where new case filings have increased by more than 40 percent in the past three years), and funding to provide adequate security in our courthouses.

The budget request also seeks funding to continue, and to institutionalize, the innovations that have become the hallmark of the New York State Judiciary and justice in New York. Prominent among these innovations are the problem-solving courts, which feature the active involvement of judges, and collaboration with criminal justice, treatment and social service agencies, to address the underlying issues that bring many people into court over and over again. These courts have proven that the problem-solving model is a highly effective means of providing justice. By addressing, and seeking to solve, the underlying problems that bring people into the justice system, the problem-solving courts have also demonstrated that they can provide significant savings to state and local governments with regard to incarceration, public assistance, and other costs.

The court system is now moving beyond pilot projects, and is incorporating the lessons of these innovations and problem-solving strategies into the mainstream of court operations. Among these successful innovations are the Drug Treatment Courts, Integrated Domestic Violence Courts, and Community Courts.

JUDICIARY

DRUG TREATMENT COURTS

It has been over ten years since the first drug treatment court was established in New York State. Since then, more than 200 drug treatment parts have opened or are in planning, and, as of October 2004, the number of participants in the drug court program has grown to more than 20,000.

There is documented proof that this approach – in which judges mandate and then actively monitor the defendant’s drug treatment – works. An evaluative study of six of the longest running programs in New York State, issued by the Center for Court Innovation in 2003, found an average 29 percent reduction in re-arrests for participants over a three-year period as compared to offenders who did not participate in the drug court program. This evaluation also showed that drug court participants in each of the six programs had lower rates of recidivism as compared to offenders subject to conventional case processing. Studies of drug treatment courts in other states have reached the same conclusion, demonstrating that judicially-mandated and court-supervised treatment reduces both levels of substance abuse and rates of recidivism for participants as compared to control groups.

In the coming fiscal year, the drug court program will be available in criminal and family courts in every county of the state. This statewide expansion meets a key goal set by Chief Judge Kaye’s blue ribbon *Commission on Drugs and the Courts*, which in 2000 urged that drug courts be institutionalized as a standard method for case processing throughout the State.

INTEGRATED DOMESTIC VIOLENCE (IDV) COURTS

The court system is also applying the problem-solving strategy to matters involving domestic violence. Integrated Domestic Violence (IDV) courts follow the “One Family, One Judge” model, in which a single judge presides over all Criminal, Family, and Supreme Court matters involving the same parties. This approach to case management overcomes the artificial jurisdictional barriers of New York’s complex trial court structure, thereby simplifying the process for litigants. It also improves judicial decision-making, by ensuring that a single judge is familiar with all aspects of a family’s problems. The IDV courts use problem-solving techniques such as intensive judicial monitoring of offenders and coordination of community services for victims in order to enhance victim safety and assure offender accountability.

Statewide, there currently are eleven IDV courts in operation and five more will transition from planning to implementation by the end of this year. 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 2005.

OTHER PROBLEM-SOLVING PROGRAMS

The problem-solving approach to justice is also being used in cases that involve persons suffering from mental illness. It is estimated that up to 30 percent of all incarcerated persons have a serious mental illness. As an alternative to incarceration, Mental Health Courts provide mentally ill criminal defendants with supervision and services, including close judicial supervision of medical treatment and vocational training. The goal is to provide the structure and support needed to minimize potential for future criminal behavior. There are five mental health courts in operation now, and by the end of 2005 these specialized programs will be doubled to ten court locations in the State.

Along with expansion of the Mental Health Court program, the court system plans to apply problem-solving practices to cases involving incapacitated persons and certain sex offender cases. In 2005, a Model Guardianship Part will be established to provide specialized training of court personnel and to expedite access to services in cases involving allegations of financial misconduct or physical abuse of individuals alleged to be incapacitated pursuant to

Article 81 of the Mental Hygiene Law. In addition, Sex Offender Management Courts will test the effectiveness of problem-solving principles in certain types of sex offense cases. Research has shown preventive techniques and intensive oversight can result in lower rates of recidivism for sex offenders.

COMMUNITY COURTS

Community Courts focus on quality of life issues and work closely with community members affected by crime. They feature restitution and treatment programs that seek to address the needs of victims, offenders, and the community. Community Courts use a variety of mechanisms to involve 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. Key elements of the community court model are the use of community service sanctions to make justice more visible in neighborhoods and the referral of offenders to services that will address the underlying problems that gave rise to the criminal conduct.

Currently, three community courts have been established in New York City. Outside of New York City, community court programs operate in the Nassau District Court and Syracuse City Court. Another community court is now under development in Bronx County. "Bronx Community Solutions," like previous community court projects, is dedicated to improving the quality of life and building closer ties between the courts and community residents. Bronx Community Solutions will build on the model of previous projects that rely on community service sanctions, provide referrals to services and seek greater involvement of community leaders and local residents in court programs.

CRIMINAL DIVISION BRONX COUNTY

To address significant delays in the processing and resolution of criminal cases in Bronx County, the court system has undertaken a reorganization of the courts of criminal jurisdiction in the Bronx. For many years, there have been significant backlogs in the processing in both felonies and misdemeanors in the Bronx.

In this new program, the resources of both the Criminal Court and the Supreme Court, Criminal Term, including the judges and the nonjudicial staff, are available to handle both the felony and the misdemeanor caseload. This reorganization will allow the Criminal Courts in Bronx County to reduce persistent case backlogs and shorten time for case resolution, as well as reduce costs by allowing for a more flexible, efficient, and effective deployment of resources. It is estimated that the reorganization will produce a cost savings of almost \$1million a year.

ACCESS TO JUSTICE

The Unified Court System has developed a statewide strategy to address and improve the public's access to justice. These efforts include initiatives ranging from enhancing the breadth of jury pools to providing assistance to self-represented litigants. The court system has 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.

Offices of the Self-Represented within the courts are another step taken to improve access to justice. These offices have been established within courthouses at five locations within New York City. In the coming fiscal year, additional offices with designated staff will be opened to provide these services in each judicial district of the state.

JUDICIARY

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 enhancements to the court system's web site to provide 24-hour access to vital court information. Among these enhancements is CourtHelp, which was designed to provide easy access to information of particular interest to self-represented litigants.

SAFETY AND SECURITY

The New York State courts are aware of the critical importance of meeting the public's safety and security needs. The court system continues to ensure public safety at court facilities by providing well-trained professional security officers in sufficient numbers throughout the state. Efforts continue to systematically improve court security through the use of enhanced equipment and technology. This budget seeks funds for replacement and upgrading of magnetometer and x-ray scanning systems and other electronic security systems at many court sites. Staffing and equipment improvements are also funded for new and expanded court facilities. Additionally, each court has developed a comprehensive emergency preparedness and recovery plan that is essential for the protection of the public and the courts and assures continuation of crucial functions in times of crisis.

CIVIL JUSTICE

The Comprehensive Civil Justice Program was initiated in 2000 to move civil cases through the system efficiently through the active court management of cases. As a result, cases are now being completed in less time and the pending inventory of trial-ready cases is at its lowest level in many years. The court system will continue to focus attention to ensuring that civil cases move to trial in an efficient and orderly fashion.

Specialized court 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 and will be expanded in certain categories. For commercial cases, the Commercial Division, which now operates in Albany, New York, Erie, Monroe, Nassau, Suffolk and Westchester County Supreme Courts, will be expanded to additional locations to provide these services to litigants in every judicial district of the state. Along with expanded access to commercial parts, uniform rules are being developed in consultation with attorneys who practice commercial law to promote more efficient and effective handling of these cases.

To facilitate civil case processing, the court system also has been implementing "Filing by Electronic Means" (FBEM) in those counties authorized by the Legislature. In 2004, the Legislature authorized the use of FBEM in additional case types and in additional counties. With renewed legislative support for FBEM, the court system has intensified its efforts to encourage greater use of electronic filing of civil matters, especially in the tort area. This is being accomplished through a combination of outreach, training, collaboration with the bar, public education and technology enhancements. FBEM is proving its value and has great potential for reducing the time and expense associated with civil litigation.

COURT TECHNOLOGY

Technology continues to play a central role in allowing the Judiciary to effectively manage and process its high-volume caseloads and provide public access to court information. The Statewide intranet (Courtnet) is now used throughout the court system for internal communications through e-mail and video-conferencing and for document distribution. In addition, Courtnet provides access to automated case management and administrative systems regularly used by judges and court personnel. The court system's technology budget supports the maintenance and operation of Courtnet and also supports projects associated with public access to electronic court records and improvements to public access to vital court information via the Internet.

This budget request provides annual funding for these ongoing operations and projects and seeks State-supported bond funding authorization to finance certain hardware and software equipment replacements and upgrades. The court system's automation budget also continues investments in a number of ongoing projects and will support replacement and upgrading of mainframe, office and courtroom technology such as servers, desktop computers, network devices, storage systems and printers on a scheduled basis. Funds also are provided to continue development of the court system's Universal Case Management System to replace existing automated and manual case processing applications. Priority will be given in the coming year to expanding and enhancing the Universal Case Management System applications for family, criminal and surrogate's courts and for design of a case management application for the 2,300 Town and Village Courts, specialized drug treatment courts, domestic violence courts and community courts application development.

In addition, the technology budget funds implementation of systems to streamline and enhance access to automated human resource information. Funds will support the human resource and timekeeping applications recommended as part of the comprehensive human resource business process analysis. The uniform automated timekeeping system, now in the implementation phase, is streamlining 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.

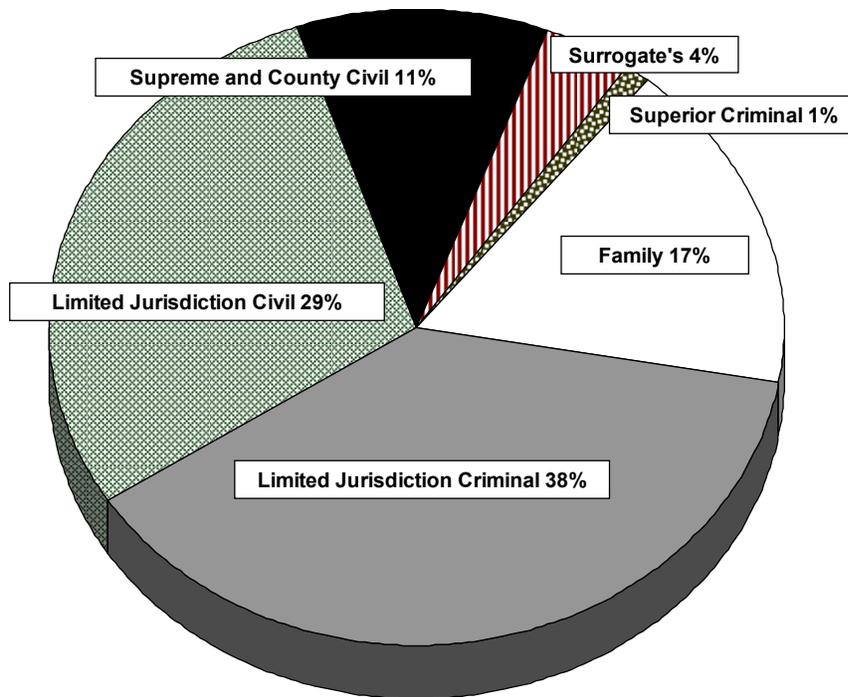
TOWN AND VILLAGE COURTS

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 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 2003, there were 4,095,968 new cases filed in the trial courts of the Unified Court System, excluding parking cases, an increase of 389,170 filings, since 1999.

**Trial Court Filings
by Case Type - 2003**



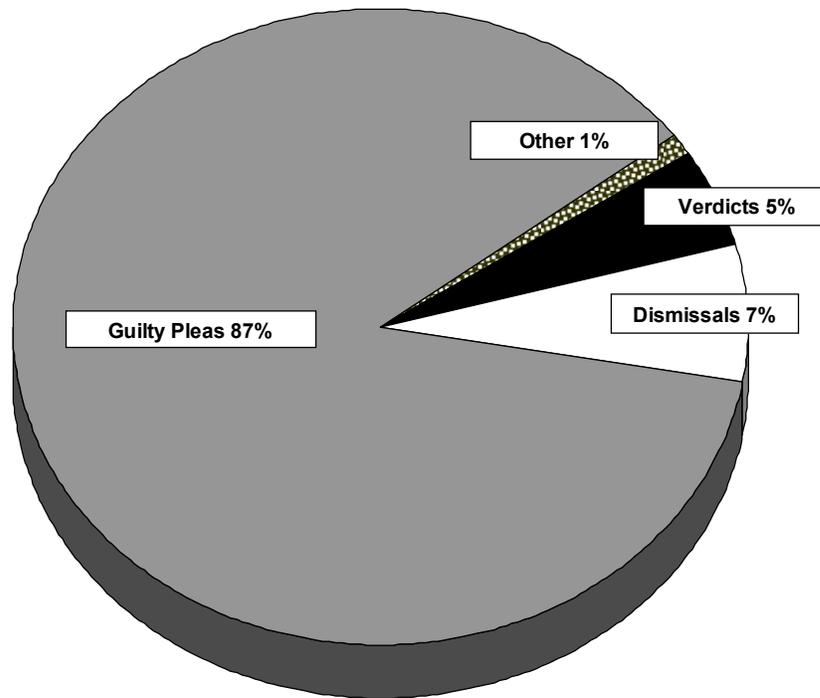
Filings and dispositions in 2003, by case type, were as follows:

CRIMINAL CASES

Criminal Term of Supreme and County Courts

- Felony Filings - 54,549
- Felony Dispositions - 55,882

**Felony Dispositions
by Type of Disposition - 2003**



JUDICIARY

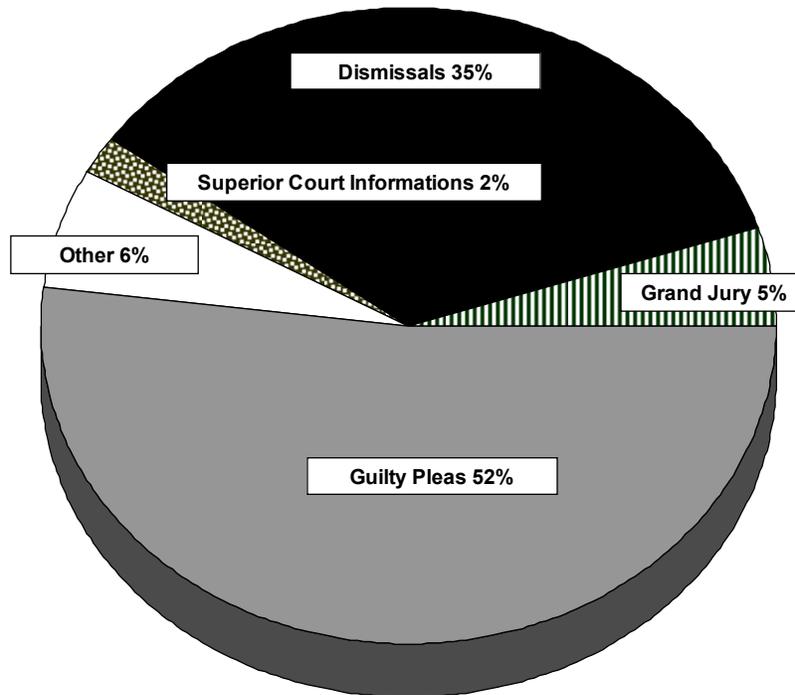
Criminal Court of the City of New York

- Filings (arrest cases) - 321,959
- Dispositions (arrest cases) - 317,306
- Filings (summons cases) - 534,866
- Dispositions (summons cases) - 376,794

City and District Courts Outside New York City (Arrest, Traffic)

- Filings - 717,004
- Dispositions - 667,114

NYC Criminal Dispositions
by Case Type - 2003



*Only 0.2% of dispositions were by verdict

CIVIL CASES

Civil Term of Supreme Court

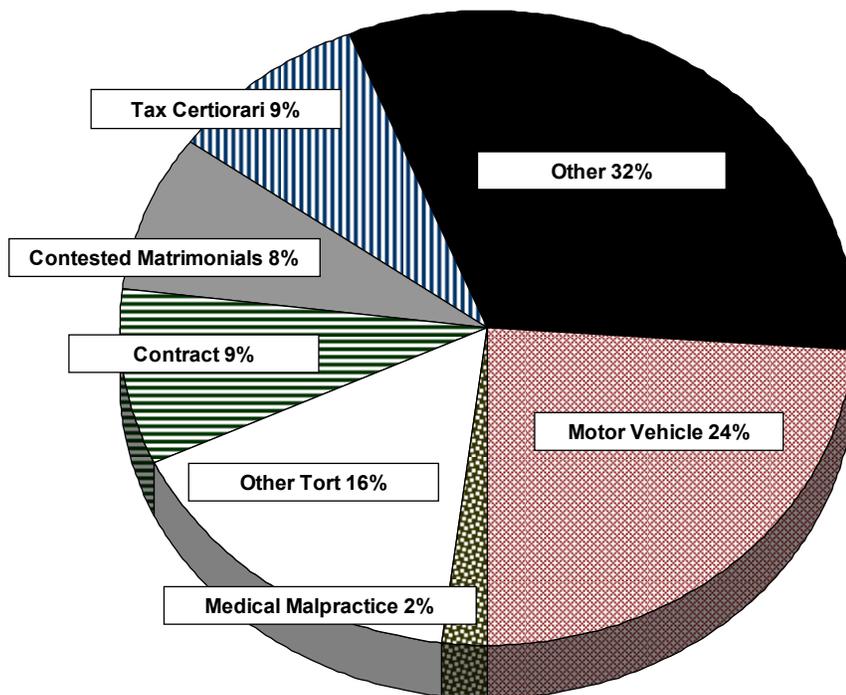
Civil Actions

- Filings - 430,007
- Dispositions - 439,010

Small Claims Assessment Review Program (SCAR)

- Filings - 18,255
- Dispositions - 22,527

Supreme Civil New Case Filings*
by Case Type - 2003



*Does not include Ex-Parte Applications and Uncontested Matrimonial Cases

JUDICIARY

Civil Court of the City of New York

Civil Actions

- Filings - 426,085
- Dispositions - 191,079

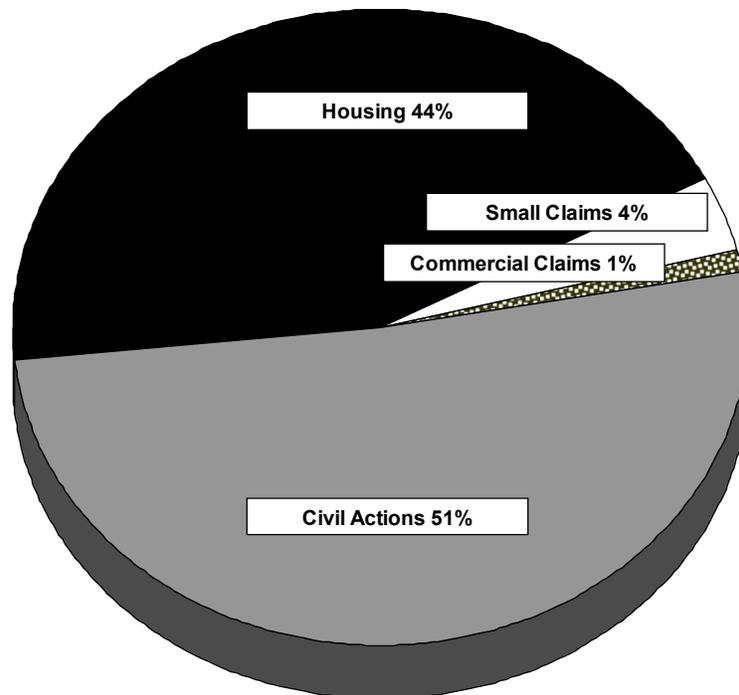
Small Claims/Commercial Claims

- Filings - 41,509
- Dispositions - 46,462

Housing Court

- Filings - 373,308
- Dispositions - 290,281

NYC Civil Court Filings by Case Type - 2003



City and District Courts Outside New York City

Civil Actions

- Filings - 172,466
- Dispositions - 139,450

Small Claims/Commercial Claims

- Filings - 47,415
- Dispositions - 48,220

Landlord/Tenant

- Filings - 88,511
- Dispositions - 77,566

County Courts

- Filings - 27,831
- Dispositions - 27,753

Court of Claims

- Filings - 1,683
- Dispositions - 1,516

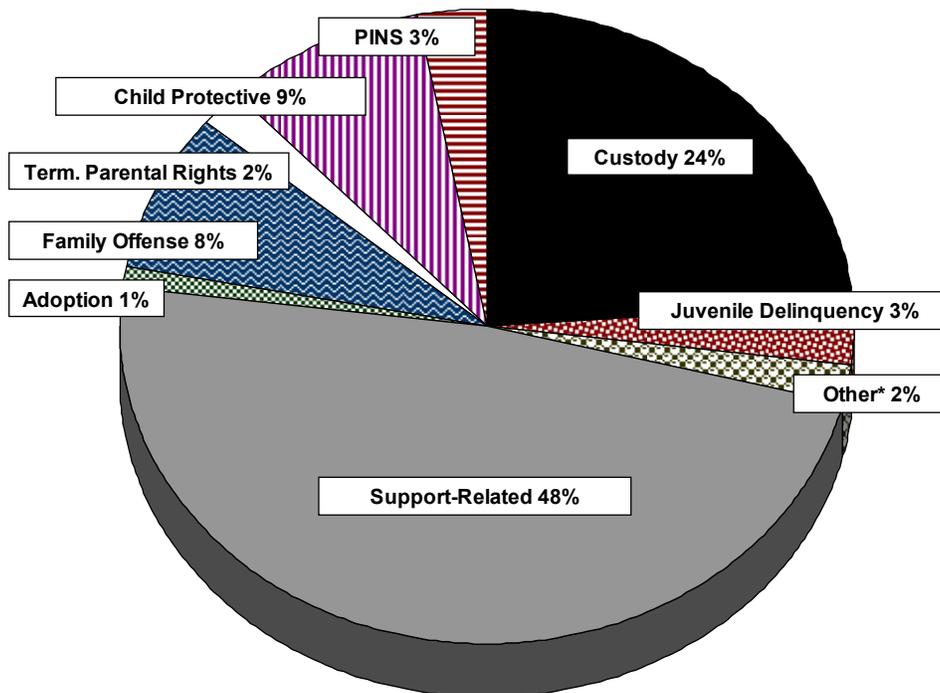
Arbitration Program

- Filings - 19,075
- Dispositions - 17,874

Family Courts

- Filings - 689,281
- Dispositions - 685,199

**Family Court Dispositions
by Case Type - 2003**



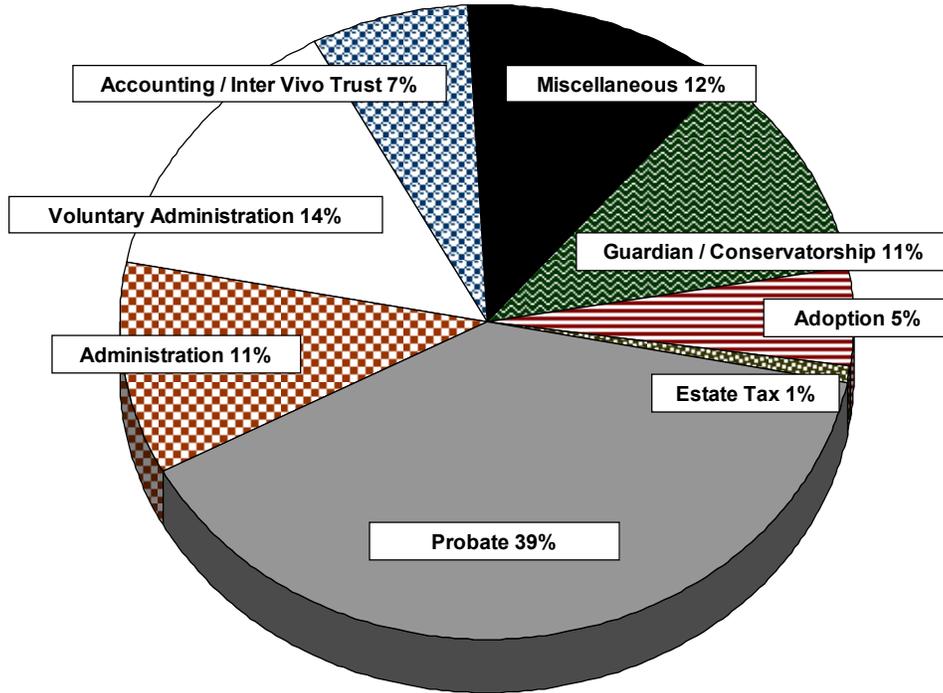
*Includes Guardianship, Foster Care, Physically Handicapped, Consent to Marry, Designated Felony and Other

JUDICIARY

Surrogate's Courts

- Filings - 151,239
- Dispositions - 124,247

Surrogate's Court Dispositions by Case Type - 2003



2005-2006 JUDICIARY BUDGET REQUEST

The budget request for the Judiciary General Fund Court and Agency Operations for fiscal year 2005-2006 is \$1.45 billion, a 4 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 \$1.54 billion, a 3.8 percent increase over the current year fiscal appropriation of \$1.48 billion.

The Unified Court System budget request seeks to balance delivery of timely and effective justice services with the need for efficient and economical administration of court and agency operations. For 2005-2006, this prudent approach is reflected in the fact that mandated increases alone exceed the overall increase being requested in the General Fund Operations portion of the budget. The total increase of \$56 million for General Fund Court and Agency Operations includes almost \$45 million required to support mandated collective bargaining salary and related benefits. In addition, just under \$19 million is necessary to fund mandated increases associated with contractual security, Law Guardian payments and other non-discretionary costs. The modest amount of approximately \$10.5 million (less than 1 percent) is sought to address critical core operating needs. These core budget funding increases are associated with providing adequate security in upstate court facilities, addressing a case processing backlog in the NYC Civil Court where workload has grown by over 40 percent in the past three years, and filling critical long term vacancies in court locations where workload increases have been particularly acute. In spite of the need to fund these critical core functions, the court system is able to limit budget growth in other areas by maintaining stringent vacancy controls and other cost savings measures in areas such as travel, legal reference materials, equipment purchases and training programs. Savings generated in these areas were used to offset an overall increase that would have otherwise approached \$75 million.

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 increases for eligible nonjudicial employees as provided by approved collective bargaining agreements. Adjustments are also reflected for certificated justices and staff changes and annualization of costs for security and drug treatment court and other critical 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 including costs for representation of children in Family Court; 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.

ANALYSIS OF CHANGE

The Judiciary's 2005-2006 Court and Agency Operations - General Fund budget increase totals \$56 million. The major components of the General Fund Operations change include:

- \$44.7 million for salary and related increases for eligible nonjudicial employees in accordance with collective bargaining contracts and administrative provision.
- \$7.5 million to annualize security and other critical positions filled in the current year.
- \$4.0 million to fill additional security and other high priority positions in fiscal 2005-2006.
- \$1.9 million to annualize the costs of Drug Treatment Courts established in the current fiscal year and to open additional specialized parts in the coming fiscal year.
- \$.7 million to expand night court in the New York City Family Court to New York and Queens counties.

JUDICIARY

- \$.3 million to address significant workload increases in the Mental Health Legal Services Program.
- \$-.3 million for certificated justices and staff on 1/1/2005 and 1/1/2006 — a net decrease of 2 justices pursuant to section 115 of the Judiciary Law.
- \$5.0 million for the annualization of contractual security enhancements approved in the current year; for collective bargaining changes that will take effect in the coming year and for enhancements to provide coverage for new or renovated facilities.
- \$1.7 million for increases in equipment rental and other basic office services costs.
- \$.3 million for automated legal reference services.
- \$.4 million for increased judicial hearing officer services including funding to address case backlogs caused by dramatic increases in filings in the NYC Civil Court.
- \$.7 million to provide enhanced services to self-represented litigants at court locations throughout the state.
- \$.3 million for contractual increases in the Alternate Dispute Resolution program.
- \$3.9 million for Law Guardian Program increases for Legal Aid contracts and panel usage to address increases in law guardian assignments and contractual obligations.
- \$.5 million for diversity and other training initiatives.
- \$.6 million for the Bronx Solutions Community Justice initiative.
- \$1.5 million for replacement of aging or obsolete security equipment.
- \$-17.7 million attributable to vacancy control and other efficiency savings.

THE JUDICIARY BUDGET - 2005-2006

The following is a summary of the 2005-2006 fiscal requirements of the Judiciary including the financial plan in support of the budget proposals.

**UNIFIED COURT SYSTEM
2005-2006 BUDGET REQUEST
ALL FUNDS APPROPRIATION REQUIREMENTS
MAJOR PURPOSE / FUND SUMMARY**

Category / Fund / Major Purpose	2004-2005 Available	2005-2006 Requested	Change
Court and Agency Operations:			
Courts of Original Jurisdiction	1,207,802,281	1,255,274,715	47,472,434
Court of Appeals	13,592,634	14,184,554	591,920
Appellate Court Operations	62,049,683	64,159,899	2,110,216
Appellate Auxiliary Operations	82,154,762	87,504,726	5,349,964
Administration & General Support	20,404,042	21,171,230	767,188
Judiciary Wide Maintenance Undistributed	3,728,059	3,476,899	(251,160)
Court and Agency Operations - General Fund Total	1,389,731,461	1,445,772,023	56,040,562
Special Revenue Fund - Federal	10,500,000	7,500,000	(3,000,000)
Special Revenue Fund - Other			
NYC County Clerks Operations Offset Fund	19,042,846	19,796,687	753,841
Judiciary Data Processing Offset Fund	12,471,784	14,062,512	1,590,728
Miscellaneous Special Revenue	2,500,000	2,500,000	0
Attorney Licensing Fund	20,367,305	21,095,853	728,548
Indigent Legal Services Fund	25,000,000	25,000,000	0
Court Facilities Incentive Aid Fund	2,133,550	2,072,925	(60,625)
Court and Agency Operations - All Funds Total	1,481,746,946	1,537,800,000	56,053,054
Lawyers' Fund for Client Protection			
Lawyers' Fund for Client Protection	9,810,678	9,840,258	29,580
Lawyers' Fund for Client Protection - Total	9,810,678	9,840,258	29,580
Aid to Localities			
General Fund - Courts of Original Jurisdiction	500,000	500,000	0
Court Facilities Incentive Aid	88,164,224	104,542,662	16,378,438
Aid to Localities - All Funds Total	88,664,224	105,042,662	16,378,438

JUDICIARY

**UNIFIED COURT SYSTEM
2005-2006 BUDGET REQUEST
ALL FUNDS APPROPRIATION REQUIREMENTS
MAJOR PURPOSE / FUND SUMMARY
(FUND DETAIL)**

<u>Category / Fund / Major Purpose</u>	<u>2004-2005 Available</u>	<u>2005-2006 Requested</u>	<u>Change</u>
<u>Court and Agency Operations:</u>			
Courts of Original Jurisdiction			
<i>General Fund</i>	1,207,802,281	1,255,274,715	47,472,434
<i>Special Revenue Funds</i>	45,097,385	44,451,380	(646,005)
<i>Total - All Funds</i>	1,252,899,666	1,299,726,095	46,826,429
Court of Appeals			
<i>General Fund</i>	13,592,634	14,184,554	591,920
<i>Special Revenue Funds</i>	0	0	0
<i>Total - All Funds</i>	13,592,634	14,184,554	591,920
Appellate Court Operations			
<i>General Fund</i>	62,049,683	64,159,899	2,110,216
<i>Special Revenue Funds</i>	0	0	0
<i>Total - All Funds</i>	62,049,683	64,159,899	2,110,216
Appellate Auxiliary Operations			
<i>General Fund</i>	82,154,762	87,504,726	5,349,964
<i>Special Revenue Funds</i>	42,620,837	43,304,689	683,852
<i>Total - All Funds</i>	124,775,599	130,809,415	6,033,816
Administration and General Support			
<i>General Fund</i>	20,404,042	21,171,230	767,188
<i>Special Revenue Funds</i>	2,721,425	2,640,338	(81,087)
<i>Total - All Funds</i>	23,125,467	23,811,568	686,101
Judiciary Wide Maintenance Undistributed			
<i>General Fund</i>	3,728,059	3,476,899	(251,160)
<i>Special Revenue Funds</i>	1,575,838	1,631,570	55,732
<i>Total - All Funds</i>	5,303,897	5,108,469	(195,428)
<u>Court and Agency Operations - Total</u>			
<i>General Fund</i>	1,389,731,461	1,445,772,023	56,040,562
<i>Special Revenue</i>	92,015,485	92,027,977	12,492
<i>Total - All Funds</i>	1,481,746,946	1,537,800,000	56,053,054
<u>Lawyers' Fund for Client Protection</u>			
<i>General Fund</i>	0	0	0
<i>Special Revenue Funds</i>	9,810,678	9,840,258	29,580
<i>Total - All Funds</i>	9,810,678	9,840,258	29,580
<u>Aid to Localities</u>			
<i>General Fund</i>	500,000	500,000	0
<i>Special Revenue Funds</i>	88,164,224	104,542,662	16,378,438
<i>Total - All Funds</i>	88,664,224	105,042,662	16,378,438

**UNIFIED COURT SYSTEM
2005-2006 BUDGET REQUEST
ALL FUNDS DISBURSEMENT REQUIREMENTS
(MILLIONS \$)**

Category / Fund	2004-2005 Projected	2005-2006 Projected	Change
<u>Court and Agency Operations:</u>			
General Fund	1,404.2	1,402.0	(2.2)
Special Revenue Federal	5.1	7.6	2.5
Special Revenue Funds - Other			
NYC County Clerks Operations Offset Fund	18.9	19.5	0.6
Judiciary Data Processing Offset Fund	12.8	13.4	0.6
Indigent Legal Services Fund	0.0	50.0	50.0
Miscellaneous Special Revenue	21.8	22.6	0.8
Court Facilities Incentive Aid Fund	2.0	2.1	0.1
<i>Court and Agency Operations - All Funds Total</i>	<u>1,464.8</u>	<u>1,517.2</u>	<u>52.4</u>
<u>Lawyers' Fund for Client Protection</u>			
Lawyers' Fund for Client Protection	8.0	9.4	1.4
<i>Lawyers' Fund for Client Protection - Total</i>	<u>8.0</u>	<u>9.4</u>	<u>1.4</u>
<u>Aid to Localities</u>			
General Fund - Courts of Original Jurisdiction	0.5	0.5	0.0
Court Facilities Incentive Aid	99.2	103.0	3.8
<i>Aid to Localities - All Funds Total</i>	<u>99.7</u>	<u>103.5</u>	<u>3.8</u>
<u>Capital Projects:</u>			
Courthouse Improvements	2.9	0.5	(2.4)
<i>Capital Construction - All Funds Total</i>	<u>2.9</u>	<u>0.5</u>	<u>(2.4)</u>

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 \$206,672,195 for fiscal year 2005-06 for the Legislature represents an increase of \$6,022,035 (3%) above the amount appropriated for FY 2004-2005, and follows an overall decrease of \$6,084,998 (2.94%) over the prior three fiscal years. The Legislature's budget request for FY 2005-06 represents an overall increase of 4.03 percent over the past five years. Over this same period, the Consumer Price Index will have increased by 16.1 percent.

LEGISLATURE

LEGISLATIVE BUDGET SUMMARY GENERAL FUND APPROPRIATIONS

Entity	Available FY 04-05	Recommended FY 05-06	Change
Lt. Governor	\$277,409	\$277,409	\$0
Senate	\$79,636,489	\$82,025,584	2,389,095
Assembly	\$94,646,577	\$97,485,974	2,839,397
Fiscal Committees	\$10,465,222	\$10,779,178	313,956
Joint Legislative Entities	\$15,624,463	\$16,104,050	479,587
LEGISLATURE TOTAL	\$200,650,160	\$206,672,195	\$6,022,035

LEGISLATIVE BUDGET HISTORY FISCAL YEAR 2000-01 TO 2005-06 GENERAL FUND APPROPRIATIONS

FY 2000-01 Approp.	FY 04-05 Approp.	FY 05-06 Recommended	Change from FY 04-05 Approp. (%)	Change from FY 2000-01 Approp. (%)
\$198,669,846	\$200,650,160	\$206,672,195	\$6,022,035 (3.00%)	+\$8,002,349 (+4.03%)

LEGISLATIVE BUDGET GENERAL FUND APPROPRIATIONS COMPARISON TO CONSUMER PRICE INDEX FISCAL YEAR 2000-01 THROUGH FISCAL YEAR 2005-2006

	FY 2000-01	FY 2004-05	FY 2005-06	% Change 00-01 to 05-06
Legislative Budget	\$198,664,846	\$200,650,160	\$206,672,195	+4.03%
Consumer Price Index	182.5	204.9*	211.8*	+16.1%

* estimated

The recommended Special Revenue Fund-Other appropriation of \$1,600,000 for FY 2005-06 represents no change from the amount appropriated for FY 2004-05. No tax revenues are required for Special Revenue Funds.

The recommended Grants and Bequests Fund appropriation of \$500,000 for FY 2005-06 represents no change from the amount appropriated for FY 2004-05. 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 2005-06 for the Lieutenant Governor represents no change from the amount appropriated for FY 2004-05.

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 \$82,025,584 for FY 2005-06 represents an increase of \$2,389,095 (3.0%) above the amount appropriated for FY 2004-05. This modest budget increase follows an overall decrease of \$2,176,672 (2.66 %) over the prior three fiscal years.

As detailed in the Table below, the Senate has seen its budget increase by \$3,359,083 or 4.27 percent from the \$78,666,501 appropriated in FY 2000-01. Over the same five year period, the consumer price index has increased by 16.1 percent. This is consistent with a fifteen year trend that has seen the Senate's budget grow at just one-quarter of the overall rate of inflation.

In the past nine years, the Senate has reduced its staff by 390 employees or 21.3 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 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.

**SENATE BUDGET HISTORY
FISCAL YEAR 2000-01 TO 2005-06
GENERAL FUND APPROPRIATIONS**

	FY 00-01 Approp.	FY 04-05 Available	FY 05-06 Recommended	Change from FY 04-05 (%)	Change from FY 00-01 (%)
Senate Budget	\$78,666,501	\$79,636,489	\$82,025,584	\$2,389,095 (3.00%)	\$3,359,083 (4.27%)

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 37 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 2005-06 of \$97,485,974 represents an increase of \$2,839,397 (3.00%) above the amount appropriated for FY 2004-05. This modest budget increase follows an overall decrease of \$2,586,060 (2.66%) over the previous three fiscal years.

Over the past five years, as detailed below, the Assembly's budget has increased by 4.27 percent while over the same period; the Consumer Price Index has increased by 16.1 percent. Over the past fifteen years, the growth of the Assembly's budget has been at one-quarter of the overall rate of inflation. During this period, the Assembly has controlled its spending by reducing the payroll for Assembly controlled entities by 400 positions and implementing other operational savings.

**ASSEMBLY BUDGET HISTORY
FISCAL YEAR 2000-01 TO 2005-2006
GENERAL FUND APPROPRIATIONS**

	FY 00-01 Approp.	FY 04-05 Available	FY 05-06 Recommended	Change from FY 04-05 (%)	Change from FY 00-01 (%)
Assembly Budget	\$93,492,920	\$94,646,577	\$97,485,974	\$2,839,397 (+3.00%)	\$3,993,054 (+4.27%)

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 \$5,389,589 for fiscal year 2005-06 for both the Senate Finance Committee and the Assembly Ways and Means Committee represents an increase of \$156,978 above the amount appropriated for FY 2004-2005.

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.

BUDGET HIGHLIGHTS

The recommended appropriation of \$358,900 for FY 2005-06 for the Legislative Ethics Committee represents no increase from the amount appropriated for FY 2004-05.

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.

LEGISLATURE

BUDGET HIGHLIGHTS

The recommended appropriation of \$184,203 for FY 2005-06 for the Legislative Health Service represents an increase of \$5,365 above the amount appropriated for FY 2004-05.

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 \$683,276 for FY 2005-06 for the Legislative Library represents an increase of \$19,901 above the amount appropriated for FY 2004-05.

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 \$817,330 for FY 2005-06 represents an increase of \$23,806 above the amount appropriated for FY 2004-2005.

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 \$12,025,777 for fiscal year 2005-06 for the Legislative Bill Drafting Commission represents an increase of \$368,228 above the amount appropriated for FY 2004-05.

An appropriation of \$1,500,000 for FY 2005-06 is recommended for the Legislative Computer Services Fund. This recommended appropriation represents no change from the amount appropriated for FY 2004-05. 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 \$1,718,210 for fiscal year 2005-06 for the Legislative Task Force on Demographic Research and Reapportionment represents an increase of \$50,044 above the amount available for FY 2004-05.

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.

LEGISLATURE

BUDGET HIGHLIGHTS

The recommended appropriation of \$316,354 for fiscal year 2005-06 for the National Conference of State Legislatures dues represents an increase of \$12,243 above the amount appropriated for FY 2004-05.

ALL FUNDS REQUIREMENTS FOR THE LEGISLATURE

Fund/Entity/Major Purpose	Available 2004-05	Recommended 2005-06	Change
Lt. Governor	\$277,409	\$277,409	\$0
Senate	79,636,489	82,025,584	2,389,095
Assembly	94,646,577	97,485,974	2,839,397
Senate Finance Committee	5,232,611	5,389,589	156,978
Assembly Ways and Means Committee	5,232,611	5,389,589	156,978
Joint Entities:			
Legislative Ethics Commission	358,900	358,900	0
National Conference of State Legislatures Dues	304,111	316,354	12,243
Legislative Health Service	178,838	184,203	5,365
Legislative Library	663,375	683,276	19,901
Legislative Messenger Service	793,524	817,330	23,806
Legislative Bill Drafting Commission	11,657,549	12,025,777	368,228
Legislative Task Force on Demographic Research and Reapportionment	1,668,166	1,718,210	50,044
Joint Entities Total	\$15,624,463	\$16,104,050	\$479,587
GENERAL FUND TOTAL	\$200,650,160	\$206,672,195	\$6,022,035
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
SPECIAL REVENUE FUND TOTAL	\$1,600,000	\$1,600,000	\$0
Grants and Bequests Fund:			
Restoration of Senate Chamber	\$250,000	\$250,000	\$0
Restoration of Assembly Chamber	250,000	250,000	0
GRANTS AND BEQUESTS FUND TOTAL	\$500,000	\$500,000	\$0

LEGISLATURE

SCHEDULE OF APPROPRIATIONS

Title of Appropriation	Appropriated for 2004-05	Requested for 2005-06	Change
OFFICE OF THE LIEUTENANT GOVERNOR			
Lieutenant Governor.....	\$151,500	\$151,500	\$0
Administration			
For personal service of employees and for temporary and expert services.....	\$111,000	\$111,000	\$0
Maintenance and Operation			
For other expenses of maintenance and operation (including liabilities incurred prior to April 1, 2005).....	\$14,909	\$14,909	\$0
Total--Office of Lieutenant Governor.....	\$277,409	\$277,409	\$0
THE SENATE			
Personal Service			
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	\$9,469,621	\$275,814
For personal service of employees and for temporary and expert services of members' offices and of standing committees.....	\$27,906,841	\$28,744,340	\$837,499
For personal service of employees and for temporary and expert services for administrative support operations.....	\$13,625,611	\$14,034,579	\$408,968
For personal service of employees and for temporary and expert services for the senate student program office.....	\$465,266	\$479,225	\$13,959
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	\$59,215,584	\$1,536,240
Nonpersonal Service			
For services and expenses of maintenance and operations (including liabilities incurred prior to April 1, 2005)			
Non-employee services.....	\$300,000	\$300,000	\$0
Supplies and materials.....	\$2,100,000	\$2,200,000	\$100,000
Travel.....	\$1,300,000	\$1,400,000	\$100,000
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	\$3,600,000	\$200,000
Utilities.....	\$950,000	\$1,000,000	\$50,000
Postage and shipping.....	\$4,500,000	\$4,800,000	\$300,000
Printing.....	\$200,000	\$200,000	\$0
Telephone and telegraph.....	\$2,262,000	\$2,310,000	\$48,000

Title of Appropriation	Appropriated for 2004-05	Requested for 2005-06	Change
Miscellaneous contractual services	\$300,000	\$300,000	\$0
Equipment	\$2,900,000	\$2,900,000	\$0
Total Nonpersonal Service	\$21,012,000	\$21,810,000	\$798,000
Maintenance Undistributed			
For services and expenses, including travel outside the state	\$945,145	\$1,000,000	\$54,855
Grand Total--The Senate.....	<u>\$79,636,489</u>	<u>\$82,025,584</u>	<u>\$2,389,095</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	\$28,100,316	\$1,106,737
For personal service of employees and for temporary and expert services for administrative and program support operations	\$30,683,714	\$31,942,350	\$1,258,636
For the Assembly Intern and Youth Participation Program for personal service of employees and for temporary and expert services.....	\$777,976	\$880,000	\$102,024
Total Personal Service	\$71,972,769	\$74,440,166	\$2,467,397
Nonpersonal Service			
For services and expenses of maintenance and operations (including liabilities incurred prior to April 1, 2005)			
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	\$5,450,000	\$350,000
Utilities	\$700,000	\$700,000	\$0
Postage and shipping	\$4,200,000	\$4,300,000	\$100,000
Printing	\$113,000	\$65,000	(\$48,000)
Telephone and telegraph.....	\$2,300,000	\$2,270,000	(\$30,000)
Miscellaneous contractual services	\$550,000	\$550,000	\$0
Equipment	\$1,100,000	\$1,100,000	\$0
Total Nonpersonal Service	\$21,228,000	\$21,600,000	\$372,000
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>\$97,485,974</u>	<u>\$2,839,397</u>

LEGISLATURE

Title of Appropriation	Appropriated for 2004-05	Requested for 2005-06	Change
SENATE FINANCE COMMITTEE			
For personal service, temporary and special services (including liabilities incurred prior to April 1, 2005)	\$5,232,611	\$5,389,589	\$156,978
ASSEMBLY WAYS AND MEANS COMMITTEE			
For personal service, temporary and special services (including liabilities incurred prior to April 1, 2005)	\$5,232,611	\$5,389,589	\$156,978
<u>SENATE AND ASSEMBLY JOINT ENTITIES</u>			
LEGISLATIVE ETHICS COMMITTEE			
For services and expenses of the legislative ethics committee pursuant to section 80 of the legislative law	\$358,900	\$358,900	\$0
NATIONAL CONFERENCE OF STATE LEGISLATORS			
For a contribution to the National Conference of State Legislatures	\$304,111	\$316,354	\$12,243
LEGISLATIVE HEALTH SERVICE			
For services and expenses for the operation of the legislative health service.....	\$178,838	\$184,203	\$5,365
LEGISLATIVE LIBRARY			
For services and expenses and for temporary and special services for the operation of the legislative library.....	\$663,375	\$683,276	\$19,901
LEGISLATIVE MESSENGER SERVICE			
For services and expenses for the operation of the legislative messenger service.....	\$793,524	\$817,330	\$23,806
LEGISLATIVE BILL DRAFTING COMMISSION			
For services and expenses, temporary and special services, and for expenses of maintenance and operation			
Schedule			
Personal Service--Regular and Temporary	\$7,806,500	\$8,040,695	\$234,195
Nonpersonal Service	\$3,814,018	\$3,928,440	\$114,422
Legislative Digest Contract Administration	\$253,642	\$261,251	\$7,609
Legislative Printing Contract Administration	\$733,389	\$755,391	\$22,002
Total.....	\$12,607,549	\$12,985,777	\$378,228
Less Transfer from Legislative Computer Services Fund.....	(\$950,000)	(\$960,000)	(\$10,000)
Total available	\$11,657,549	\$12,025,777	\$368,228

LEGISLATURE

Title of Appropriation	Appropriated for 2004-05	Requested for 2005-06	Change
LEG. TASK FORCE ON DEMOGRAPHIC RESEARCH AND REAPPORTIONMENT			
Maintenance Undistributed			
For services and expenses (including liabilities incurred prior to April 1, 2005) of the task force for senate purposes	\$321,583	\$331,230	\$9,647
For services and expenses (including liabilities incurred prior to April 1, 2005) of the task force for assembly purposes	\$321,583	\$331,230	\$9,647
For services and expenses (including liabilities incurred prior to April 1, 2005) of the task force for joint operations	\$1,025,000	\$1,055,750	\$30,750
Total available	<u>\$1,668,166</u>	<u>\$1,718,210</u>	<u>\$50,044</u>
Grand Total--Senate and Assembly Joint Entities.....	<u>\$15,624,463</u>	<u>\$16,104,050</u>	<u>\$479,587</u>

SPECIAL REVENUE FUND - OTHER

LEGISLATIVE COMPUTER SERVICES FUND

For services and expenses of the legislative computer services fund.....	\$1,500,000	\$1,500,000	\$0
--	-------------	-------------	-----

SENATE RECYCLABLE MATERIALS, INFORMATION SERVICES AND CONFERENCE FUND

For services and expenses of the senate recyclable materials, information services and conference fund	\$50,000	\$50,000	\$0
--	----------	----------	-----

ASSEMBLY RECYCLABLE MATERIALS, INFORMATION SERVICES AND CONFERENCE FUND

For services and expenses of the assembly recyclable materials, information services and conference fund	\$50,000	\$50,000	\$0
--	----------	----------	-----

GRANTS AND BEQUESTS FUND - LEGISLATURE

SENATE

Maintenance Undistributed

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
--	-----------	-----------	-----

ASSEMBLY

Maintenance Undistributed

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
---	-----------	-----------	-----