

# **LEGISLATURE & JUDICIARY**

## **Summary of Recommended Appropriations By Agency**

## LEGISLATURE

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	Adjusted Appropriation 2009-10	Executive Request 2010-11	Change	Percent Change
<b>AGENCY SUMMARY</b>				
General Fund	219,767,845	220,045,254	277,409	0.1%
Special Revenue-Other	2,100,000	2,100,000	0	0.0%
<b>Total for AGENCY SUMMARY:</b>	<b>221,867,845</b>	<b>222,145,254</b>	<b>277,409</b>	<b>0.1%</b>

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# JUDICIARY

	<b>Adjusted Appropriation 2009-10</b>	<b>Executive Request 2010-11</b>	<b>Change</b>	<b>Percent Change</b>
<b>AGENCY SUMMARY</b>				
General Fund	2,269,057,771	2,452,295,285	183,237,514	8.1%
Special Revenue-Other	247,599,690	262,906,355	15,306,665	6.2%
Special Revenue-Federal	9,100,000	9,100,000	0	0.0%
<b>Total for AGENCY SUMMARY:</b>	<b>2,525,757,461</b>	<b>2,724,301,640</b>	<b>198,544,179</b>	<b>7.9%</b>

## Agency Mission

(Executive Budget: pp. 459-474)

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

The Judiciary is included in the Legislature and Judiciary appropriation bill.

## Budget Detail

The Judiciary's budget request, as submitted to the Governor, recommends an All Funds appropriation of \$2,709,301,640, an \$183,544,179 or 7.9 percent over State Fiscal Year (SFY) 2009-10 funding levels.

The Judiciary's budget request includes a new \$15,000,000 appropriation in support of civil legal service programs. Under the proposal, these funds would be suballocated to the Interest on Lawyers Account (IOLA) Fund for distribution by the IOLA Board of Trustees. The Judiciary's proposal includes an appropriation intended by Judiciary to provide funding for increased compensation for state-paid judges, justices of the Unified Court system and other civil court judges retroactive to April 1, 2005. A reappropriation of \$48,000,000 is included to provide

partial support for this purpose. In addition, the Judiciary's request includes \$6,300,000 in new funds to increase the amount that judges may annually seek for reimbursement of expenses incurred while performing their duties, from the present \$5,000 to a new \$20,000 annually.

The Governor proposes a number of civil court fee increases to fund this appropriation, which are expected to generate \$41,000,000 in SFY 2010-11 and \$54,000,000 each year thereafter, including:

- an increase in the Index Number Fee from the current \$165 to \$215;
- an increase in the Supreme Court Motion Fee from \$45 to \$120;
- an increase in the Appellate Court Motion fee \$45 to \$120; and
- an increase in the First Paper Fee from \$45 to \$60.

A portion of the revenue from these fee increases (\$16,000,000) will also be allocated to the Court Facilities Incentive Aid Fund, which provides reimbursement to local governments for facility maintenance projects.

## **Article VII**

The Judiciary's request did not contain any Article VII proposals.

The Executive proposal recommends Article VII legislation that would:

- increase civil court fees;
- provide an opportunity for local courts to consolidate their facilities for the purpose of achieving financial efficiencies; and
- require the Judiciary to provide a transparent accounting of the anticipated impact on municipalities and local governments of any new program or initiative mandated by the Judiciary's rules and regulations.