

# **EXHIBIT D**

## **NYS Assemble Debate Transcript of 3/31/09**

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own?

MR. FARRELL: I think it's something that the Governor decided to do on his own and we are agreeing with him.

MR. RAIA: Okay, thank you.

MR. FARRELL: You're welcome.

ACTING SPEAKER GREENE: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER GREENE: The Clerk will record the vote.

(The Clerk recorded the vote.)

MR. CANESTRARI: Madam Speaker, as you know, there is one more bill for us to consider this evening, colleagues. So, one more bill. I know you're looking forward to it so just stay tuned.

Thank you.

ACTING SPEAKER GREENE: Are there any other votes?

The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 3, Rules Report No. 14, the Clerk will read.

THE CLERK: Bill No. 151-A, Rules Report No. 14, Budget bill. An act making appropriations for the support of government (Legislature and Judiciary budget).

ACTING SPEAKER GREENE: Mr. Farrell.

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MR. FARRELL: Madam Speaker, on the bill.

ACTING SPEAKER GREENE: On the bill.

MR. FARRELL: As required by New York State's Constitution, judicial salaries are and have always been set by law, Article VII(B) of the Judiciary Law. A reappropriation of potentially available monies cannot and does not change that law and what it certainly does not authorize is any salary increases. The notion that the Office of Court Administration has been somehow authorized or empowered to ignore both the New York State Constitution and Article VII(B) of the Judiciary Law by some words stricken from an appropriation is 100 percent incorrect. Simply stated, some redundant words were removed, but these words could be replaced if that was deemed necessary to eliminate any contrived confusion in a chapter amendment. No New York State court in any case, and there have been several, has ever determined that judicial salaries could be adjusted without amendments to Article VII(B) of the Judiciary Law.

Thank you, Madam Speaker.

SPEAKER SILVER: Mr. Parment.

MR. PARMENT: Yes, thank you, Mr. Speaker.

Many times I've voted against this budget and I have not been compelled to speak. This year I feel compelled to speak, in part because of the preamble that was presented to us by the Judiciary in their presentation of their budget. In that preamble, which I don't have here so I won't quote it, but to paraphrase it, the Judiciary basically said that they understand these to be very difficult times and

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consequently they were going to make the sacrifice along with everyone else this year and that they, because of the hard times, were going to hold their budget to a no-increase budget. As far as I know, they're the only major element of New York State government that has not received a reduction in the appropriations available to them over the last 12 months.

But, let me just tell you what's happened with the Judiciary over the last ten years. In the 1999-2000 budget, the total Judiciary budget was \$1,145,040,848. \$1.14 billion. This budget, ten years later, calls for an appropriation of \$2.52 billion, \$2,525,757,461. This is an increase in ten years of \$1,380,716,613, or an increase on a percentage basis of 121 percent in ten years. Now, I don't know of any major budget in this State government that's increased at 12 percent a year. If, in fact, this is a hold-the-line budget, as was told to us it would be, that would mean in reality they increased that amount in the 2008-2009 budget, which means they did that in a period of nine years. If they did it in a period of nine years, that means their average increase over those nine years was 153 percent, or 15.3 percent a year. Now, I believe that this Legislature should take a responsibility to more closely examine what the Judiciary is doing with all the money we've been spending on the Judiciary. I don't believe that any agency in this State government could justify to me that they should be entitled to an increase that exceeds 15 percent per annum.

And so, I would recommend all of you to vote against

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this budget and we come back and work on it again at a later date.

SPEAKER SILVER: Read the last section.

THE CLERK: This act shall take effect immediately.

SPEAKER SILVER: The Clerk will record the vote.

(The Clerk recorded the vote.)

While we're on the vote, Mr. Farrell.

MR. FARRELL: Madam Speaker -- Mr. Speaker,

I'm sorry.

(Laughter)

SPEAKER SILVER: We're both here -- twins.

MR. FARRELL: It's been a long day. The eyesight goes first.

Mr. Speaker, before I cast my vote, I just wanted to say thanks to everybody. I want to say thanks to my colleagues. I thought we had a very good debate. Things were done well. We got a lot of words said and we finished before midnight, so we accomplished a lot.

(Applause)

And I'm not going to get into trouble by doing names, but I'm just going to say to the whole staff of Ways and Means -- all right, gang, everybody stand up -- thank you very much.

(Applause)

And, Mr. Speaker, I want to thank you, also, for allowing me to have so much fun today, and I mean that seriously. It was enjoyable. So, Mr. Speaker, I vote in the affirmative.

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Thank you.

(Applause)

SPEAKER SILVER: Mr. Kolb.

MR. KOLB: Yes, thank you, Mr. Speaker. And also I would like to extend, certainly, a hearty congratulations to all the Ways and Means staff, but in particular to our staff with the Assembly Minority. These folks getting the budget bills at the, shall we say, the 11th hour, poring through thousands of pages of documents, working all hours of the night to try to support the members of our Conference. I would like to take this opportunity to acknowledge Assemblyman Jim Hayes and Becky D'Agati and the entire Ways and Means staff for an outstanding job on behalf of our Conference and the State Assembly here in New York.

(Applause)

Also, Mr. Speaker, I would just like to acknowledge, too, Mr. Farrell, who showed a tremendous amount of stamina today.

(Applause)

I would also like to make this observation, Mr.

Speaker: I would like to know what Mr. Farrell's been drinking all day because I think we would like to get some of that, whether it's mineral water or the special elixir of New York City. But again, Mr. Farrell, to you, we appreciate the courtesies, certainly the patience with all of our members' questions, and I also want to thank my colleagues for providing the loyal opposition to ask the tough questions and, certainly, this is what a democracy is all about when we

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can stand on the floor of this Chamber and to be able to share differences of opinions and ideas to move our State forward and, hopefully, as we go on, we can improve this process, we can improve this budget and, Mr. Speaker, thank you for allowing me to share a few words.

(Applause)

SPEAKER SILVER: Thank you. Thank you, Mr. Kolb. And I guess while we're tabulating votes and before we conclude, I just want to add my words tonight. First of all, Denny, unlike most amusement parks, we don't charge admission here.

MR. FARRELL: Thank you.

SPEAKER SILVER: But I really do want to express my appreciation to our Ways and Means Committee Chair, Denny Farrell, the tremendous job he's done in helping us to understand the scope of this economic crisis and for guiding us through what has been, I believe, the most challenging budget in my memory and, certainly, in all the years I've been here. There has never been a challenge, though, put before Denny that he has not been up to, and for that we are both fortunate and grateful. So, Denny, once again, thank you for your leadership.

(Applause)

Along with Denny, let me express my appreciation to our committee chairs and to my colleagues in the Majority Conference for the long hours, days that you have invested in this process so that we could reach an agreement that was fair and balanced, that makes

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tough decisions and that ensures that working families and our least fortunate citizens are not required to shoulder a disproportionate share of the pain. And we passed it and we passed it on time.

(Applause)

On behalf of everybody in this House, I want to commend the staffs of the Ways and Means Committee and Program and Counsel for their tireless and outstanding work. There isn't time to individually acknowledge each of the members of our staff, but I certainly want to recognize Dean Fuleihan.

(Applause)

Judy Rapfogel.

(Applause)

Sabrina Ty.

(Applause)

Matt Howard.

(Applause)

Steven Pleydle.

(Applause)

Audra Nowosielski.

(Applause)

Michael Johnson.

(Applause)

Bill Collins.

(Applause)

Roman Hedges and Steve August.

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(Applause)

As I did when the budget agreement was announced, let me once again acknowledge the leadership of our Governor, who was warning us about this crisis long before the vast majority of economists recognized the depth of it and who has kept this State focused on addressing the economic dilemma at hand.

Likewise, I want to offer my commendation to Senator Malcolm Smith. With his leadership and the leadership of the Senate Majority Conference, we are finally able to advance long-held Democratic principles in this State.

I extend my gratitude to President Obama, to our Congressional delegation; most importantly to Senator Schumer and Senator Gillibrand for their leadership and their confidence in helping us to send a check and address this extraordinary fiscal crisis.

To all of you, thank you for your cooperation.

The Clerk will announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Canestrari.

MR. CANESTRARI: Mr. Speaker, I understand you have resolutions and housekeeping for us even at this late hour?

SPEAKER SILVER: Our work is never done, you know that. I have housekeeping. Okay, Mr. Canestrari.

On behalf of Mr. Weprin, the Assembly bill is recalled from the Senate, the Clerk will read the title of the bill.