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January 15, 2014

TO: Justin C. Levin, Records Access Officer/Governor Andrew M. Cuomo
Alan Lebowitz, Records Access Officer/Division of the Budget

FROM: Elena Ruth Sassower, Director
Center for Judicial Accountability, Inc. (CJA)

RE: FOIL REQUEST: Have New York Governors never furnished the Legislature with "Commentary" or "recommendations" on the Legislature's proposed budgets pursuant to Article VII, §1 of the New York State Constitution?

Pursuant to Article VII, §1 of the New York State Constitution, the Governor is required to transmit to the Legislature, as part of his proposed state budget, the certified "itemized estimates" of the Judiciary and Legislature "without revision but with such recommendations as the governor may deem proper."

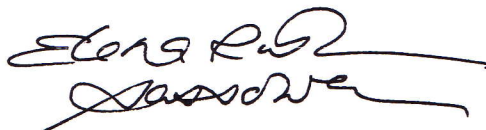
Accessible from the Division of the Budget's website, www.budget.ny.gov, are the Governor's proposed budgets for 15 fiscal years: from 1999-2000 to 2013-2014. For each of these 15 fiscal years, there is a "Commentary of the Governor on the Judiciary" – and copies are enclosed for your convenience. However, there is not a single "Commentary of the Governor on the Legislature".

Pursuant to FOIL, request is made for such Governor's "Commentary" or "recommendations" on the Legislature's proposed budgets for these 15 fiscal years, if any.

If you find none, please continue your search back through as many fiscal year budgets as you have until you find when, if ever, the Governor gave "Commentary" or "recommendations" on a proposed Legislative budget.

To assist you, a comparable request is being made to the Secretary of the Senate, pursuant to Senate Rule XV, "Freedom of Information", and to the Assembly Public Information Office, pursuant to Assembly Rule VIII, "Public Access to Records".

Thank you.



cc: Governor Andrew M. Cuomo
Budget Director Robert L. Megna
Secretary of the Senate
Assembly Public Information Office
Committee on Open Government
ATT: Robert Freeman, Executive Director
The Public & The Press

EX P-1

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 1999-2000. 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 spending request is \$1.36 billion, a \$68.9 million, or 5.3 percent increase over the current year. Of this amount, \$1.26 billion is requested from the State tax dollar supported General Fund. If fully enacted, General Fund support for the Judiciary will increase in fiscal year 1999-2000 by \$62.9 million or 5.3 percent over 1998-99. This compares with a recommended increase for the Executive branch of slightly over one percent.

While much of the requested increase reflects the cost of continuing current operations, discretionary initiatives totaling \$7.9 million (218 new positions) are included. In addition, a new proposed grant program for local justice courts lacks specificity and has the potential for significant growth in future years.

The General Fund increase includes:

- \$26.4 million for a 21 percent salary increase for judges;
- \$9.6 million for negotiated salary increments;
- \$7.9 million for initiatives such as specialized court parts, automation and court security;
- \$12.5 million for annualization of previous and current year initiatives;
- \$9.9 million for various workload and inflationary increases;
- \$6.2 million for increased fringe benefit costs;
- \$3.5 million for 17 new certificated judges;
- \$1.3 million for new judgeships established in 1998; and
- \$500,000 for a new grant program for Town and Village Courts.

These increases are partially offset by \$14.9 million in non-recurring costs.

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 2000-01. 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 spending request is \$1.44 billion, a \$59.7 million, or 4.3 percent increase over the current year. Of this amount, \$1.33 billion is requested from the State tax dollar supported General Fund. If fully enacted, General Fund support for the Judiciary will increase in fiscal year 2000-01 by \$58.6 million or 4.6 percent over 1999-2000.

While much of the requested increase reflects the cost of continuing current programs, discretionary operating initiatives totaling \$7.2 million (173 new positions) are included.

The General Fund increase includes:

- \$10.7 million for negotiated salary increments;
- \$7.2 million for new initiatives such as specialized court parts, automation and court security;
- \$12.9 million for annualization of current initiatives;
- \$8.5 million for various workload and inflationary increases;
- \$13.3 million for increased fringe benefit costs;
- \$7.8 million for phase one of a project to renovate and expand the Court of Appeals building in Albany;
- \$5.3 million for certificated judges to bring to 94 the total number of judges working beyond retirement age (up from 70 in 1999-2000);
- \$800,000 for costs associated with capital case transcript production; and
- \$500,000 for new judgeships established in 1999.

These increases are partially offset by \$8.2 million in non-recurring costs. The request also proposes a 1999-2000 General Fund deficiency appropriation of \$12 million for unanticipated costs for General State Charges, primarily health insurance costs. In addition, the Judiciary proposes a \$9.6 million deficiency appropriation for the Court Facilities Incentive Aid Fund. This fund, which provides interest subsidies for court construction and reimburses localities for operating maintenance and upkeep of court facilities, has incurred higher than anticipated maintenance expenses.

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 2001-02. As required by the Constitution, I am presenting the Judiciary budget as it has been submitted by the Office of Court Administration.

The Judiciary's All Funds appropriation request is \$1.68 billion, a \$119.6 million, or 7.7 percent increase over the current year. Of this amount, \$1.53 billion is requested from the State tax dollar supported General Fund, an increase of \$90.6 million or 6.3 percent over 2000-01.

The General Fund increase includes:

- \$49.4 million for negotiated salary increments and base level increases;
- \$28 million for the renovation and expansion of the Court of Appeals and Justice buildings in Albany;
- \$17.5 million for annualization of current year initiatives, including \$4.1 million for drug courts;
- \$15 million for increased fringe benefit costs;
- \$7.9 million for new initiatives or expansion of the Chief Judge's priority areas such as the Civil Justice, Family Justice, Domestic Violence and Court Security Programs (156 new positions);
- \$6.2 million for various inflationary increases;
- \$2 million for 14 certificated judges;
- \$1.6 million for increased costs for the Law Guardian Program; and
- \$800,000 for new judgeships established in 2000.

These increases are partially offset by a \$34.7 million decrease in non-recurring collective bargaining costs, a \$2.2 million decrease due to early retirement and attrition and \$900,000 in miscellaneous savings.

The All Funds appropriation growth also reflects a \$25.5 million increase in the Court Facilities Incentive Aid Fund which provides financial assistance to cities and counties for the construction, renovation, operation and maintenance of court facilities. Major new costs for the Fund include interest payments associated with the ongoing construction of court facilities in New York City and the scheduled increase — per existing legislation — of the State's share of local court operating and maintenance costs from 75 percent in 2000-01 to 100 percent in 2001-02.

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 2002-03. As required by the Constitution, I am presenting the Judiciary budget as it has been submitted by the Office of Court Administration.

The Judiciary's All Funds appropriation request is \$1.74 billion, a \$55 million, or 3.3 percent increase over the current year. Of this amount, \$1.57 billion is requested from the State tax dollar supported General Fund, an increase of \$42.5 million or 2.8 percent over 2001-02.

While the Office of Court Administration in its budget submission cites a number of steps being taken to constrain budget growth in 2002-03, the requested increase nevertheless exceeds that of the Executive branch and the Legislature. Given the State's difficult financial condition, I call upon the Chief Judge to assiduously monitor expenditures and to take all possible management actions to further reduce spending.

The General Fund increase currently called for includes:

- \$48.9 million for negotiated salary increments and base level increases;
- \$32.9 million for increased fringe benefit costs;
- \$7.4 million for annualization of current year initiatives, including \$5 million for new nonjudicial positions and for contractual security enhancements;
- \$3.2 million for 19 certificated judges and salary increases for Housing Court Judges established in the 2001 Legislative session;
- \$1.5 million for additional resources for city courts as a result of a bill passed in the Legislative session; and
- \$9.2 million for new needs including increased security (\$5.4 million), a new jury initiative and continued expansion of the Drug Treatment Court Program (\$1.7 million) and increased costs for the Law Guardian Program (\$2.1 million).

These increases are partially offset by recurring savings initiatives totaling \$24.7 million, including a hiring freeze to begin January 1, 2002, and savings from early retirement incentives (\$11 million); reductions in overtime and temporary service (\$3.8 million); a decrease in equipment purchases for 2002-03 (\$1.8 million); other nonpersonal service savings for legal reference and jury per diems (\$4.1 million); and a transfer of Information Technology Services to special revenue fund support (\$4 million). Further, since the Judiciary is not requesting any new capital projects for 2002-03, there is a year-to-year appropriation reduction of \$35.8 million for capital projects.

The All Funds appropriation growth reflects an increase of \$6.1 million for the Data Processing Offset Fund to provide case information services to attorneys for a small fee, \$4.2 million to support the Manhattan Felony Treatment Court, and \$800,000 for the Lawyer's Fund for Client Protection.

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 2003-04. As required by the Constitution, I am presenting the Judiciary budget as it has been submitted by the Office of Court Administration.

The Judiciary's All Funds appropriation request is \$1.8 billion, a \$56 million, or 3.2 percent increase over the current year. Of this amount, \$1.63 billion is requested from the State tax dollar supported General Fund, an increase of \$62.8 million or 4 percent over 2002-03.

While the Office of Court Administration has clearly taken steps to constrain spending growth in the Judiciary, nonetheless, its budget request for 2003-04 reflects a substantial increase. In light of the magnitude of the fiscal crisis facing the State, and the economies effected by the rest of State government, I call upon the Chief Judge to exercise additional fiscal restraint and strive for year-to-year reductions in spending and staffing.

The General Fund increase currently called for includes:

- \$18.5 million for negotiated salary increments and base level increases;
- \$37.2 million for increased fringe benefit costs;
- \$5 million for annualization of current year initiatives, including an increase in nonjudicial security positions (\$2.9 million) and contractual security enhancements (\$2.1 million);
- \$2.7 million for 16 certificated judges and \$1.5 million for new city court judges and staff established in the 2001 Legislative session;
- \$3.4 million for contractual and fixed cost increases, including the Law Guardian Program (\$1.1 million), legal reference (\$1.1 million), Alternative Dispute contracts (\$300,000) and postal rate increases (\$900,000); and
- \$10 million for new needs, including overtime expenses related to enhanced security measures (\$3.9 million), continued expansion of Drug Treatment Courts (\$1.7 million), a shift of Information Technology funding to the General Fund from the Data Processing Fund (\$3 million), jury initiatives (\$500,000), continuing education and training initiatives for judges and legal staff (\$500,000) and the establishment of a community court in Queens (\$400,000).

These increases are partially offset by recurring savings totaling \$15.5 million, including personal service savings resulting from the hiring freeze and savings from early retirement incentives (\$8.6 million); a reduction in financing costs (\$2.2 million); and other nonpersonal service reductions for travel and non-recurring contractual services (\$4.7 million).

The All Funds appropriation growth reflects an increase of \$5.8 million for the Lawyer's Fund for Client Protection, \$700,000 for the NYC County Clerks' Operations Offset Fund and a \$2.5 million increase in Federal funding for Drug Treatment Courts.

COMMENTARY OF THE GOVERNOR ON THE JUDICIARY

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

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

The requested General Fund increase includes:

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

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

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

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

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

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.

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 2006-07. As required by the Constitution, I am presenting the Judiciary budget as it has been submitted by the Office of Court Administration.

The Judiciary, under the direction of Chief Judge Kaye continues to implement several initiatives designed to make the courts more responsive to the people of New York:

- Problem solving courts that address drugs, alcohol, mental illness, and domestic violence.
- Experimental reorganization of the courts of criminal jurisdiction in the Bronx.
- Offices for the Self-Represented that provide legal and procedural information to self-represented litigants.

The Judiciary has requested appropriations totaling nearly \$2.3 billion – an increase of \$228 million, or 11.1 percent over the current year. More than 98 percent of this increase would support Court operations. Included in the increase is \$13.2 million for security equipment, contracts and personnel to ensure the safety of New York's courts — a priority of the Chief Judge, with which I concur.

Another \$136.2 million is attributed to contractual salary increases, higher costs of employee fringe benefits, the annualized costs of 21 new judgeships, Family Court permanency planning initiatives, Court Facilities Incentive Aid, the impact of inflation, and unavoidable fixed cost increases.

In addition, the request advanced by the Chief Judge also includes an increase in judicial salaries. The increase would be retroactive to April 1, 2005, at an estimated cost of \$69.5 million.

I too support a judicial salary increase. Last year, I proposed a bill that would provide New York State judges with a fair and reasonable compensation package. My proposal would cost the State \$28 million annually and provide that an increase be made on a prospective basis only. I recommend that the Legislature approve my proposal to ensure that the State continue to attract and retain the finest jurists in the country.

Finally, while I recognize that the Office of Court Administration has many worthwhile proposals, in the aggregate, its budget submission provides for a significant funding increase. I urge the Legislature to join me, the Chief Judge and the Office of Court Administration to explore alternative approaches that reduce the impact on the State's Financial Plan.

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 2007-08. As required by the Constitution, I am presenting the Judiciary budget as it has been submitted by the Office of Court Administration.

The Judiciary has requested appropriations totaling nearly \$2.4 billion – an increase of \$47 million, or 2.0 percent over the current year. This increase includes amounts necessary to provide salary increases to judges, retroactive to April 1, 2005.

Judicial salaries have remained unchanged since 1999, and achieving agreement on new compensation levels for judges is a high priority of the Chief Judge. In recognition of the importance of this issue, and in support of the Chief Judge, the Executive Budget advances Article VII legislation to provide for a judicial salary increase to the level recommended by the Chief Judge. I urge the Legislature to take action on this proposal, which has languished too long.

In addition, I commend the Chief Judge for her Action Plan for Town and Village Courts, which will provide training, technology, and security for these courts. A total of \$10 million is requested, as a first installment in what will be a multi-year plan to strengthen this part of our justice system. Ensuring that justice is fairly done within these small, community courts is a laudable goal which I strongly endorse.

Finally, I am very pleased to support the Chief Judge's recommendation to increase support for civil legal services for low income New Yorkers. A modest increase of eight dollars in the criminal history fee allows this initiative to be accommodated within the Legal Services Assistance Fund, without impairing current support for criminal defense and prosecution services. Funding for civil legal services has been neglected by the State, and I join with the Chief Judge in recommending that the State assume a greater role in ensuring the adequacy of these services statewide.

COMMENTARY OF THE GOVERNOR ON THE JUDICIARY

In accordance with Article VII, Section 1 of the State Constitution, I am transmitting herewith the appropriations requested by the Judiciary for fiscal year 2008-09. As required by the Constitution, I am presenting the Judiciary budget as it has been submitted by the Chief Judge.

The Judiciary has requested appropriations totaling nearly \$2.5 billion. This includes amounts necessary to provide salary increases to judges. When adjusted for \$106 million in retroactive judicial salary payments and non-recurring capital appropriations in the current year, the increase over the current-year is \$90 million, or 3.8 percent.

The budget request submitted by the Chief Judge reflects a salary increase of 21 percent retroactive for three years, to April 1, 2005. More recently, the Chief Judge proposed new legislation providing for pay increases retroactive to April 1, 2005, with additional increases tied to the salaries of federal court judges, and a quadrennial salary commission.

Judicial salaries have remained unchanged since 1999, and establishing new compensation levels for judges is a high priority of the Chief Judge. In recognition of the importance of this issue, which has languished too long, and in support of the Chief Judge, the Executive Budget includes Article VII legislation to provide for a judicial salary increase.

The Article VII legislation I am submitting includes a judicial pay increase retroactive to April 1, 2006, at the same level recommended by the Chief Judge. In addition, my bill would increase salaries another 2.5 percent on April 1, 2008, in recognition that judicial salaries at the Federal level were raised by that amount on January 1, 2008. I strongly urge the Legislature to take action on this proposal.

I also support the Chief Judge's Action Plan for Town and Village Courts, which will provide training, technology, and security for these courts. A total of \$17 million is provided to support a multi-year plan to strengthen this part of our justice system. Ensuring that justice is fairly done within these small, community courts is a laudable goal and I am pleased to see it remain a top priority of the Chief Judge.

COMMENTARY OF THE GOVERNOR ON THE JUDICIARY

In accordance with Article VII, Section 1 of the State Constitution, I am transmitting herewith the appropriations requested by the Judiciary for fiscal year 2009-10. As required by the Constitution, I am presenting the Judiciary budget as it has been submitted by the Chief Judge.

The Judiciary has requested appropriations totaling over \$2.5 billion. This reflects a change of \$2.3 million from the prior year, after adjusting for the elimination of non-recurring collective bargaining costs. This "no growth" budget is mindful of the State's financial condition, and responsive in light of my call for all Executive Branch agencies to restrain spending.

The Judiciary will face twin challenges in the coming year – an austere budget, coupled with growing caseloads. The economic downturn is already increasing cases related to mortgage foreclosures, consumer debt, evictions and family matters. To meet this anticipated growth in the courts' workload, the Chief Judge must carefully manage existing resources.

Despite these pressures, I am pleased to note that the Judiciary's proposed budget reflects a continuing commitment to the improvement of the Justice Courts, an integral part of the delivery of justice in our communities across the State. In addition, the Judiciary is increasing its reliance on technology, e.g. electronic filing, video appearances, remote learning, and acceptance of online credit card payments for fees and fines, thereby both reducing costs and demonstrating a commitment to environmental responsibility.

To its credit, the Judiciary has submitted a request that does not appeal for an increase in resources, but rather seeks to better utilize existing funding to meet its core constitutional mission. Notably, the proposed budget once again seeks to address judicial salary compensation, but does so within available appropriations, including a reappropriation of 2008-09 funding enacted for this purpose.

The Chief Judge is to be commended for her thoughtfulness in preparing this proposal, and I wish her well in her future endeavors.

COMMENTARY OF THE GOVERNOR ON THE JUDICIARY

In accordance with Article VII, Section 1 of the State Constitution, I am transmitting herewith the appropriations requested by the Judiciary for fiscal year 2010-11. As required by the Constitution, I am presenting the Judiciary budget as it has been submitted by the Chief Judge.

The Judiciary has requested appropriations totaling over \$2.7 billion, which reflects an increase of \$183.5 million, or 7.3 percent, from the prior year. A portion of this growth is attributable to an \$84.6 million increase in the Judiciary's contribution to the State's pension fund. However, even after excluding this increase that is arguably beyond the control of the Judiciary, support for court operations is still projected to grow by 3.9 percent. This increase stands in contrast to the recommended overall budget increase for State Funds of 1.8 percent.

The Judiciary advances at least three new initiatives that result in increased costs.

First, the proposed budget contains language authorizing an increase in judicial salaries retroactive to April 1, 2005. Under the proposal, judicial salaries would increase by approximately 31 percent in the coming fiscal year at an annual cost of \$48 million. While it is regrettable that judges have not received a salary increase since 1999, the size of the increase is quite large given the current economic climate.

Second, the Chief Judge has doubled the amount judges receive annually from the Judicial Supplemental Support Fund as a supplement to their salaries. Under this proposal, each judge receives \$10,000 to compensate for the cost of goods and services purchased "in the performance of their judicial responsibilities". There appears to be little restriction on how these funds are spent.

Third, the proposed budget includes a new \$15 million subsidy for civil legal services, a program for which the Judiciary has no direct responsibility. While I have long been a staunch supporter of adequate funding for civil legal services, I believe it is inappropriate to include this funding as part of the Judiciary budget. Indeed, I requested that the Judiciary not include it, as I believe the action runs contrary to the Executive Budget process as outlined in the State Constitution.

I recognize that the economic climate has severely reduced the interest earnings upon which this program relies. Therefore, after much consideration, I have chosen to submit legislation to increase certain court fees. By increasing fees charged at the initiation of a case or a motion, sufficient revenue is generated to support not only the \$15 million subsidy for civil legal services contained in this request, but a \$10 million investment in improving indigent legal services as well. The fees are designed to provide disincentives for the filing of frivolous cases and motions, while not creating access to justice concerns. It is my hope that the proposed fee structure will assist in reducing the backlog in our courts, while also funding legal services for those to whom justice might otherwise be denied.

Aside from these three specific initiatives, the Judiciary budget appears to lack initiatives to restrain spending or consolidate operations. Admittedly, the operation of the courts and their reform is no simple matter; but it must also be acknowledged that the \$2.7 billion Judiciary budget is a significant part of the overall State budget. The Judiciary must accept that each branch of government can no longer conduct "business as usual", and that all branches share an obligation to taxpayers to restructure government in light of the State's new fiscal reality. For example, adherence by the Judiciary to my proposed spending cap would have generated savings of \$132 million.

COMMENTARY

Given the serious fiscal situation in which the State finds itself, I am transmitting the Judiciary's budget submission along with a strong charge to the Legislature to evaluate this request carefully. I also call upon the Chief Judge to revisit this request and offer suggestions for how it may be reduced. Although the court's workload has indeed increased, my Executive branch agencies are facing similar challenges to maintain or improve the quality of their services – and must do so with budgets that are smaller than they were a year ago.

COMMENTARY OF THE GOVERNOR ON THE JUDICIARY

In accordance with Article VII, Section 1 of the State Constitution, I transmit herewith the appropriations requested by the Judiciary for fiscal year 2011-12. As required by the Constitution, I present the Judiciary budget as it has been submitted by the Chief Judge.

The Judiciary has requested appropriations that total over \$2.7 billion. This reflects an increased appropriation of 1.9 percent, or \$50 million, from last year. The proposed Judiciary budget also reflects, on a cash basis, a spending increase of 5.3 percent, or \$140 million.

In this economy, New York State government must recalibrate, redesign and rebuild. We cannot afford spending increases. Indeed, the State must reduce spending. I have proposed a ten percent General Fund reduction for all State agency operations from 2010-11; the Comptroller and the Attorney General have proposed the same reduction in their spending.

In order to address the fiscal realities confronting the State, I respectfully ask the Judicial Branch to reduce its spending while continuing to serve those who seek justice.

COMMENTARY OF THE GOVERNOR ON THE JUDICIARY

In accordance with Article VII, Section 1 of the State Constitution, I transmit herewith the appropriations requested by the Judiciary for fiscal year 2012-13. As required by the Constitution, I present the Judiciary budget as it has been submitted by the Chief Judge.

The Judiciary has requested appropriations of \$2.54 billion. Across all fund types, this reflects no growth from last year, and includes a decrease of \$3.9 million in General Fund appropriations. On a cash basis, the proposed Judiciary budget reflects a spending decrease of \$19.2 million (or 0.7 percent).

The budget submitted by the Chief Judge recognizes the ongoing budgetary pressures the State faces, addressing fiscal reality while supporting the courts' ability to uphold their constitutional duty. The budget as submitted both sustains the savings achieved last year, and holds the line on new spending. I commend the Judiciary for examining their operations and for continuing to seek to make the court system work better and smarter.

COMMENTARY OF THE GOVERNOR ON THE JUDICIARY

In accordance with Article VII, Section 1 of the State Constitution, I transmit herewith the appropriations requested by the Judiciary for fiscal year 2013-14. As required by the Constitution, I present the Judiciary budget as it has been submitted by the Chief Judge.

The Judiciary has requested appropriations of \$1.97 billion for court operations, exclusive of the cost of employee benefits. Inclusive of employee benefits, the budget for the Judiciary is requested at \$2.6 billion. In the General Fund, this reflects no growth from the prior year.

The budget submitted by the Chief Judge recognizes the ongoing budgetary pressures the State faces, especially as the State recovers from Superstorm Sandy. This budget holds the line on spending, yet ensures the courts have the resources necessary to uphold their constitutional duty. I commend the Judiciary for their continuing efforts to meet the State's fiscal goals by rethinking how the courts do business, and for their continuing partnership with the Executive Branch.