

## Center for Judicial Accountability, Inc. (CJA)

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**Sent:** Saturday, March 23, 2013 6:38 AM  
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**Subject:** Info to Assist You in Your Presentations Today on the Senate & Assembly Floor

**Dear Senator Latimer & Assembly Members Buchwald and Katz,**

I'm writing up some info sheets to help you, which I will be sending you later this morning. Here's what I have so far...

### **QUESTION #1: What is the cumulative dollar amount of the appropriations for the Judiciary budget in S2601/A3001?**

According to Senate Resolution 812, "The Senate concurs with the Executive recommendation of \$1.75 billion".<sup>[1]</sup> This is incorrect. The Governor's "Commentary" on the Judiciary, which accompanied his appropriations bill to the Legislature gave two figures – neither of which was "\$1.75 billion". It stated:

"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."

Thus, the Governor's "Commentary" identified the cost at \$2.6 billion. This, however, is a rounded figure, able to conceal tens of millions of dollars.

What is the precise dollar figure?

The Judiciary did not identify a cumulative total in its two-part budget, which it furnished to the Governor and Legislature on November 30, 2012. Nor did it identify a cumulative total in its "single budget bill", which may or may not have been furnished by it to the Governor and Legislature on that date. Nor was any cumulative figure identified by Chief Administrative Judge Gail Prudenti when she testified in support of the Judiciary's budget request at the February 6, 2013 budget hearing on "public protection".

Nor does the Legislature have a figure. The Governor's "Commentary" establishes that Senate Resolution 812 is wrong as to \$1.75 billion – and the Legislature's "White", "Blue", "Yellow" Books all have different figures – with the "Green" book giving no figure at all.

- according to the Senate's "White Book" of its Finance Committee's Majority Coalition (at p. 75), the total figure is \$2,662,000,000.
- According to the Senate's "Blue Book" of its Finance Committee's Democratic Minority (at p. 232), the total figure is \$2,660,128,900.

This is a difference of \$1,871,000.

- According to the Assembly's "Yellow Book" of its Ways and Means Committee (at Judiciary 73-1), the total figure is \$1,973,235,869
- The Assembly's "Green Book" of its Ways and Means Committee's Republican Minority gave no figure.

So what is the figure? If you add the two untallied figures of the Judiciary's two-part budget: its "Operating" budget, which its first part of its budget identifies as \$1,973,235,869, and its "General State Charges", which its second part of its budget identifies as \$660,660,607, that simple addition gives a total of \$2,633,896,476.

This means that:

- the total in the Senate's "White Book" is \$28,103,254 more than what a straight add of what the Judiciary's "Operating" budget and "General State Charges" equals;
- the total in the Senate's "Blue Book" is \$26,232,154 more than what a straight add of what the Judiciary's "Operating" budget and "General State Charges" equals;
- the total in the Assembly's "White Book" is \_\_\_\_\_ less than what a straight add of the in Judiciary's "Operating" budget and "General State Charges" equals.

But does adding the numbers from the Judiciary's two-part budget presentation give the dollar amount of the appropriations for the Judiciary in S2601/A3001? The bill furnishes no cumulative total – just as none was furnished by the Judiciary's "single budget bill" from which it is taken. Nor does any single page of the bill list the relevant numbers that would be added for a total. Instead, they are scattered in the pages of the bill. Thus, on page 10 appears what the first part of the Judiciary's two-part budget documents had identified as its "Operating" budget: \$1,973,235,869. On page 21 appears the "General State Charges", which was the second part of the Judiciary's two-part budget. The simple add of these two is \$2,633,896,476.

However, S2601/A3001 shows other monies being appropriated. On page 10, there is listed "Reappropriations", whose total is given as \$50,095,000. This is money that is overage from past years – and, logically, should be returned to the state – or deducted from the amount required for the upcoming fiscal year. Apparently, it is not – as was verified by two legislative offices: that of Senator Latimer and that of Assemblyman Buchwald. Instead, it is rolled over and becomes an add on to the \$2,633,896.476 – giving a total figure of \$2,683,991,476.

In other words, the Governor's rounded figure of \$2.6 million should have been \$2.7 million.

On top of this, there are two other categories in S2601/A3001 – and neither Senator Latimer's office, nor Assemblyman Buchwald's office has been able to confirm – after more than a week's time – whether they are additionally added. Thus, on page 20, there is \$15,000,000 for "New Appropriations (Supplemental)". If, this is added on then the total dollar amount of S2601/A3001 is \$2,698,991,476. There is, additionally, on page 26, "Capital Projects-Reappropriations" whose total is \$51,000,000. If this is added on then the cumulative dollar amount being appropriated to the Judiciary in S2601/A3001 is \$2,749,991,476.

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[1] See the resolution's appended & incorporated "Report on the Amended Executive Budget".