

EXHIBIT D

NYS Assemble Debate Transcript of 3/31/09

NYS ASSEMBLY

MARCH 31, 2009

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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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.