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HOWARD R. VARGAS, ESQ.
Executive Counsel to the Speaker

September 20, 2016

Via email: mjeng@nycourts.gov

Mindy Jeng, Esq.

Counsel to the New York State Commission on
Legislative, Judicial and Executive Compensation
25 Beaver Street, 11th Floor
New York, NY 10004

Dear Ms. Jeng:

Kindly let this letter serve as a reply to your emails dated August 5, 2016, and September 7, 2016, wherein the Commissioners of the Commission on Legislative, Judicial, and Executive Compensation (hereinafter Commission) seek clarification of the intent of the drafters of Chapter 60 of the Laws of 2015. Specifically, "the Commissioners would like to know to what extent they may adjust or abolish the allowances of members of the legislature . . . [and] the intent of the drafters of the legislation regarding allowances."

The Commission was established to examine, evaluate, and make recommendations with respect to adequate levels of compensation and non-salary benefits for members of the legislature, judges and justices of the state-paid courts of the unified court system, statewide elected officials, and those state officers referred to in section 169 of the executive law.

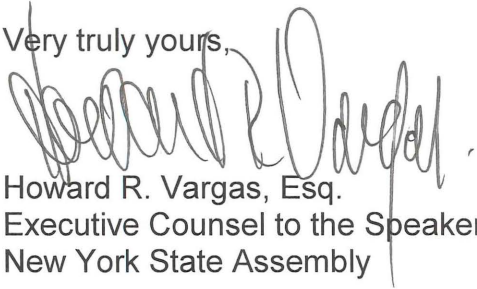
Section 2(b) of the statute directs the Commission to determine if any of the above-referenced categories warrant an increase. Additionally, in section 3, one of the factors the Commission is directed to consider is the state's ability to fund increases in compensation and non-salary benefits.

Nowhere in the statute is the Commission given the authority to make a recommendation to abolish or reduce compensation for statewide elected officials, state officers, or members of the legislature. The plain meaning of "warrant an increase" is sufficiently clear that the standard rules of statutory interpretation prohibit looking behind the meaning of the words to claim authorization for any actions on the part of the Commission other than what the statutory language directs it to review. See, *Brown v Wing*, 93 NY2d 517, 522 ("When an enactment displays a plain meaning, the courts construe the legislatively chosen words so as to give effect to that Branch's utterance"); see also, *Matter of Raritan Dev. Corp. v Silva*, 91 NY2d 98).

Therefore, the Commission has authorization to consider whether or not such compensation should be increased and, if the determination is that it should be, by what amount. The statute contains no authorization to abolish or decrease salaries and allowances.

Thank you for your time and attention.

Very truly yours,

A handwritten signature in black ink, appearing to read "Howard R. Vargas, Esq.", written in a cursive style. The signature is positioned above the typed name and title.

Howard R. Vargas, Esq.
Executive Counsel to the Speaker
New York State Assembly