

CHAPTER 545 (HB 577)

AN ACT making appropriations for the operations, maintenance, support, and functioning of the judicial branch of the government of the Commonwealth of Kentucky and its various officers, boards, commissions, subdivisions, and other state supported activities.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

PART I

OPERATING BUDGET

There is appropriated out of the General Fund, restricted funds accounts, or federal funds accounts for the fiscal year beginning July 1, 2000, and ending June 30, 2001, and for the fiscal year beginning July 1, 2001, and ending June 30, 2002, in the following sums to be used for the purposes of the judicial branch of the government of the Commonwealth of Kentucky including the Supreme Court, Court of Appeals, Circuit Court, District Court, the Administrative Office of the Courts, pretrial services, juvenile services, judicial boards and commissions, the State Law Library, judicial retirement, local facilities fund, local facilities use allowance contingency fund, and for services performed by the Circuit Clerks' offices, including both Circuit and District Court support.

1. Court of Justice

a. Court operations and administration

	2000-01	2001-02
General Fund	135,769,500	143,131,900
Restricted Funds	8,031,200	8,207,300
Federal Funds	2,083,300	1,734,700
Total	145,884,000	153,073,900

Funds are included to provide a five percent (5%) salary adjustment in fiscal year 2000-2001 and in fiscal year 2001-2002 for nonelected court personnel. Included are funds to provide for a five percent (5%) salary adjustment for justices and judges in fiscal year 2000-2001 and a five percent (5%) adjustment for the justices and judges in fiscal year 2001-2002. Also included are funds for the salaries of the circuit clerks in fiscal year 2000-2001 and fiscal year 2001-2002 as provided for in the Judicial Branch Budget.

Notwithstanding KRS 23A.040 and KRS 23A.045, the Circuit Court judgeships in Floyd County (31st Circuit) and Christian County (3rd Circuit) created by the 1998 General Assembly are established as family court judgeships. General Fund amounts are included in fiscal year 2000-2001 and fiscal year 2001-2002 to provide for the continuation of these judgeships and related family court pilot projects.

Notwithstanding KRS 24A.100, included in the above General Fund appropriation is \$178,300 in each fiscal year to increase the statutory maximum salary of trial commissioners.

b. Local Facilities Fund

	2000-01	2001-02	General Fund
38,509,200	45,245,200		The use allowance for the Fayette County Courthouse is

contingent upon Short Street in Lexington, Kentucky, remaining open to vehicular traffic.

Included in the above appropriation are moneys to compensate local units of government for providing court space and for costs incurred in the development of local court facilities as defined in KRS Chapter 26A and provided in Part II of this Act, and to perform all other acts required or authorized by KRS Chapter 26A.

Notwithstanding KRS 45.229, any unexpended balance remaining at the close of fiscal year 1999-2000 shall not lapse and shall continue into fiscal year 2000-2001, and any unexpended balance at the close of fiscal year 2000-2001 shall not lapse and shall be continued into fiscal year 2001-2002.

c. Local Facilities Use Allowance Contingency Fund

	2000-01	2001-02
General Fund	-0-	-0-

Notwithstanding KRS 45.229, General Fund support totaling \$414,500 in fiscal year 1999-2000 shall not be expended, but be continued into fiscal year 2000-2001 and appropriated to the Local Facilities Fund. Notwithstanding KRS 45.229, any remaining unexpended balance shall not lapse, but be continued into fiscal year 2000-2001, and any remaining unexpended balance at the close of fiscal year 2000-2001 shall not lapse, but be continued into fiscal year 2001-2002 to provide for cost overruns in authorized court facilities projects not to exceed fifteen percent (15%) of the use allowance.

Total Court of Justice

	2000-01	2001-02
General Fund	174,278,700	188,377,100
Restricted Funds	8,031,200	8,207,300
Federal Funds	2,083,300	1,734,700
Total	184,393,200	198,319,100

2. Judicial Form Retirement System

	2000-01	2001-02
General Fund	4,196,700	4,213,400

General Fund amounts are included to provide for the 1999 actuarial assessed needs of the Judicial Form Retirement System. Included in the above General Fund appropriation is \$420,000 in each fiscal year for the senior status program for special judges in accordance with legislation enacted by the 2000 Regular Session of the General Assembly.

TOTAL - OPERATING BUDGET

	2000-01	2001-02
General Fund	178,475,400	192,590,500
Restricted Funds	8,031,200	8,207,300

Federal Funds	2,083,300	1,734,700
TOTAL	188,589,900	202,532,500

PART II

CAPITAL PROJECTS BUDGET

1. Local Facility Projects

The multiyear schedule for the use allowance payments for the capital costs for each local facility is contained in the Judicial Branch Budget.

a. Casey County - Project Scope	6,837,200
b. Magoffin County - Project Scope	7,606,200
c. Knott County - Project Scope	6,903,200
d. Bullitt County - Project Scope	14,336,600
e. Wayne County - Project Scope	7,399,300
f. Johnson County - Project Scope	7,461,200
g. Perry County - Project Scope	8,490,200
h. Muhlenberg County - Project Scope	6,958,500
i. Clay County - Project Scope	7,075,800
j. Simpson County - Project Scope	7,263,700
k. Breathitt County - Project Scope	6,735,400
l. Metcalfe County - Project Scope	5,439,300
m. Carter County - Project Scope	7,472,100
n. Cumberland County - Project Scope	5,560,200
o. Nelson County - Project Scope	12,553,800
p. Boone County - Additional Scope	8,328,100
q. Bourbon County - Additional Scope	2,400,000
r. Christian County - Additional Scope	8,284,200
s. Harlan County - Additional Scope	5,070,400
t. Harrison County - Additional Scope	3,079,700
u. Franklin County - Lease Office Space (Millcreek Park)	
v. Franklin County - Lease Court of Appeals (Democrat Drive)	
w. Jefferson County - Courts Parking Lease	

For any court facility project which is occupied and use allowance funding is insufficient, the use allowance payments shall be approved from the Local Facilities Use Allowance Contingency Fund. If funds are not available in the Local Facilities Use Allowance Contingency Fund, the use allowance payments shall be deemed a necessary governmental expense. (General Fund Surplus Account, KRS 48.700)

New courthouse projects are authorized in Casey, Magoffin, Knott, Bullitt, Wayne, Johnson, Perry, Muhlenberg, Clay, Simpson, Breathitt, Metcalfe, Carter, Cumberland, and Nelson Counties. General Fund support to provide use allowance payments and related operating expenses for these projects is deferred to the 2002-2004 fiscal biennium pending action of the 2002 General Assembly.

TOTAL - JUDICIAL BRANCH BUDGET

	2000-01	2001-02
General Fund	178,475,400	192,590,500
Restricted Funds	8,031,200	8,207,300
Federal Funds	2,083,300	1,734,700
TOTAL	188,589,900	202,532,500

PART III

GENERAL PROVISIONS

1.The Director of the Administrative Office of the Courts with the approval of the Chief Justice may expend any of the funds appropriated for the court operation and administration in any lawful manner and for any legal purpose that the Chief Justice shall authorize or direct. No executive agency of state government shall have the power to restrict or limit the expenditure of funds appropriated to the judicial branch of government.

2.The Court of Justice shall not incur any obligation for any program against the GeneralFund appropriations contained in this Act unless that program may be reasonably determined to have been contemplated by the proposed judicial budget, as modified and enacted, and supported by the statutory budget memorandum and other pertinent records.

3.Appropriation items and sums in this Act conform to KRS 48.311. If any section, any subsection, or any provisions thereof shall be invalid or unconstitutional, the decision of the courts shall not affect or impair any of the remaining sections, subsections, or provisions.

4.Any appropriation item and sum in this Act and in an appropriation provision in anotheract of the 2000 General Assembly which constitutes a duplicate appropriation shall be governed by KRS 48.312.

5.KRS 48.313 shall control when a total or subtotal figure in this Act conflicts with the sum of the appropriations of which it consists.

6.Notwithstanding KRS 45.229, any unexpended balance remaining in the Court'srestricted funds accounts or federal funds accounts at the close of the fiscal years ending June 30, 2000, and June 30, 2001, shall not lapse and shall continue into the next fiscal year.

7.Proposed revisions to restricted funds and federal funds appropriations in this Act shall be made and reported pursuant to KRS 48.630(10). The Director of the Administrative Office of the Courts shall notify on a timely basis the Legislative Research Commission of the most current estimates of anticipated receipts for the affected fiscal year and an accompanying statement which explains such variations from the anticipated amount.

8.The Chief Justice shall cause the Director of the Administrative Office of the Courts to prepare a final budget document reflecting the 2000-2002 biennial budget of the Court of Justice. A copy shall be provided to the Legislative Research Commission and an informational copy shall

be furnished to the Finance and Administration Cabinet within sixty (60) days of the adjournment of the 2000 Regular Session of the General Assembly.

9. The Chief Justice shall establish rules of procedure on matters relating to the design, financing, and construction of court facilities. The Administrative Office of the Courts shall oversee the design, financing, and construction of court facilities. Capital costs, for the purpose of computing the maximum annual use allowance, shall not exceed the project scope as authorized by the General Assembly in this judicial branch budget unless increased and approved through the procedures outlined below.

The Administrative Office of the Courts shall assess the need for construction or renovation of court facilities throughout the Commonwealth and develop a project program for the construction or renovation of those court facilities that the Administrative Office of the Courts determines to be most in need of construction or renovation. Based on a needs assessment, the Administrative Office of the Courts shall develop a prioritized list of proposed court facilities projects and submit the list to the Chief Justice for approval and to the Court Facilities Standards Committee for informational purposes only. Upon approval by the Chief Justice, the Administrative Office of the Courts shall submit the prioritized list to the Capital Planning Advisory Board, by April 15 of 2001, in accordance with KRS 7A.120.

The Administrative Office of the Courts shall develop and maintain uniform contracts to be used by local units of government when procuring architectural, construction, financial, or other services relating to court facilities projects authorized by the General Assembly. Each county with a court project authorized by the 2000 General Assembly shall enter into a written memorandum of agreement with the Administrative Office of the Courts. Before the Administrative Office of the Courts submits its next budget request for court projects under KRS 48.050, each local unit of government that is expected to participate in financing a requested court project shall enter into a written memorandum of agreement with the Administrative Office of the Courts. The agreements shall be developed by the Administrative Office of the Courts, and shall specify the rights, duties, and obligations of the local unit of government and the Administrative Office of the Courts relating to the project, and shall be contingent upon the project's authorization by the General Assembly.

No contract, and no modification to any contract, relating to the design, financing, or construction of court facilities projects authorized by the General Assembly shall be executed unless first reviewed and approved by the Administrative Office of the Courts. All court facilities projects, beginning with those authorized by the 2000 General Assembly, shall comply with the Kentucky standards for court facilities to be established by the Chief Justice and the Administrative Office of the Courts.

The use allowance in the judicial branch budget recommendation submitted under KRS 48.100 shall be determined as if bonds will be issued for a term of twenty (20) years at the prevailing market rate, computed from the estimated date that the Court of Justice will occupy the facility. If the market rate for the bonds assumed in the budget recommendation, including that in the recommendation for FY 2001-2002, has increased when the bonds are to be sold, the director of the Administrative Office of the Courts may approve an extension in the bond term, up to a total of twenty-five (25) years, but only as necessary to keep the annual use allowance within the budgeted amount. All bonds issued by any local unit of government for court facilities projects shall be limited to the term approved by the Administrative Office of the Courts.

Before approving any bond issue for a term exceeding twenty-five (25) years, the director of the Administrative Office of the Courts shall submit a proposal for the extended term to the Interim Joint Committee on Appropriations and Revenue and the Capital Projects and Bond Oversight Committee. The proposal shall include a statement of the necessity for the extended bond term and the impact of the extended term on the project's budgeted scope and authorized annual use allowance. Within thirty (30) days after receiving a proposal to extend a bond term beyond twenty-five (25) years, the Interim Joint Committee on Appropriations and Revenue and the Capital Projects and Bond Oversight Committee shall either approve or disapprove the proposal and shall then promptly notify the director of the Administrative Office of the Courts. If either committee disapproves the proposal, the director of the Administrative Office of the Courts shall take one (1) of the following actions and shall notify the committee of its decision in writing within thirty (30) days:

- (a) Disapprove and take no further action on the proposal;
- (b) Revise the proposal to comply with the committee's objections; or
- (c) Determine to approve and proceed with the proposal over the committee's objection.

The Court of Justice may agree to increase the budgeted scope of a court project or project pool authorized by the General Assembly, and may draw from the local facilities use allowance contingency fund to cover any resulting increase in the budgeted annual use allowance, if and only if:

(a) The appropriate unit of government first submits a proposal for the increase to the Court Facilities Standards Committee, and the Court Facilities Standards Committee approves the increase; and

(b) The annual use allowance for the project or project pool, adjusted for the proposed increase in scope, would not exceed the annual use allowance specified for that project or project pool in the multiyear use allowance schedule set out in the judicial branch budget bill or memorandum by more than fifteen percent (15%).

Before the Court of Justice gives final approval to an increase in the budgeted scope of an authorized project or project pool listed in a judicial branch budget bill which would result in an increased use allowance, the director of the Administrative Office of the Courts shall submit a proposal for the increase to the Capital Projects and Bond Oversight Committee at least fourteen (14) days prior to the committee meeting. Within thirty (30) days after receiving a proposal to increase the use allowance, the Capital Projects and Bond Oversight Committee shall either approve or disapprove the proposal and shall then promptly notify the director of the Administrative Office of the Courts of its decision. If the Capital Projects and Bond Oversight Committee disapproves the proposal, the director of the Administrative Office of the Courts shall take one (1) of the following actions and shall notify the committee of its decision in writing within thirty (30) days of receiving the committee's notice of disapproval:

- (a) Revise the proposal to comply with the committee's objections;
- (b) Cancel and take no further action on the proposal; or
- (c) Determine to implement the proposal over the committee's objection.

The Administrative Office of the Courts shall report to the Capital Projects and Bond Oversight Committee within thirty (30) days any action taken by the Court of Justice to approve a

scope increase of a project within a pool which would increase the use allowance for that project. The Capital Projects and Bond Oversight Committee shall maintain records of proposals, findings, decisions, and actions taken under this section. When appropriate, the committee shall provide this information to other legislative committees or to the General Assembly. The Administrative Office of the Courts shall provide to the Capital Projects and Bond Oversight Committee, at the committee's January, April, July, and October regular meetings, a status report on the progress of all incomplete court facilities projects.

On August 1 of each year, the Administrative Office of the Courts shall prepare a financial report on the court facility use allowance contingency fund for the fiscal year ending on June 30 of that year. The report shall include explanations, allotments, expenditures, encumbrances, and the available balance.

Upon request of the Administrative Office of the Courts, the Department for Local Government shall evaluate the financial condition of any local unit of government selected to participate in a court facilities construction or renovation project, and shall certify to the Administrative Office of the Courts the local unit of government's ability to participate in the project.

10. a. A fiscal court, by ordinance, may assess additional fees and costs, for the purpose of paying expenses for courthouses, bonds related to them, and administration thereof in Circuit Court and District Court:

- (1) In civil cases, a fee of up to twenty-five dollars (\$25) may be added to filing fees.
- (2) In criminal cases, a cost of up to twenty-five dollars (\$25) may be added to the courtcosts that the defendant is required to pay.
- (3) In civil cases that are appealed from Circuit Court to the Court of Appeals, a fee of up totwenty-five dollars (\$25) may be added to the filing fees.
- (4) In all traffic offenses, a fee of up to ten dollars (\$10) may be added to the court costs foreach traffic offense.
- (5) In probate cases, a filing fee of up to ten dollars (\$10) may be added to each filing fee.
- (6) In misdemeanor cases, a cost of up to twenty dollars (\$20) may be added to the courtcosts.
- (7) In small claims, a fee of up to ten dollars (\$10) may be added to all filing fees.
- (8) In civil cases, a fee of up to ten dollars (\$10) may be added to all filing fees.

b. A fiscal court, by ordinance, may assess additional fees on subpoena and civil summons service by the local sheriff, for the purpose of paying expenses for courthouses, bonds related to them, and administration thereof. The fees may be added as follows:

- (1) In addition to the fees normally charged for the service of a subpoena, the personrequesting service may be charged a fee of up to ten dollars (\$10).
- (2) In addition to the fees normally charged for the service of a civil summons, the personrequesting service may be charged a fee of up to ten dollars (\$10).

11. Funding for the Commonwealth's ten family courts has been granted with the intention that the Family Court Pilot Project be continued during fiscal year 2000-2001 and fiscal year 2001-

2002. Continuation of the Family Court Pilot Project is in recognition that nine such family courts, located in geographically diverse locations across Kentucky, have been in operation for less than two years and additional time and experience are required to properly assess the success of the Family Court Project.

PART IV

BUDGET REDUCTION OR SURPLUS EXPENDITURE PLAN

The Judicial Branch shall participate in any Budget Reduction Plan or Surplus Expenditure Plan in accordance with the provisions of KRS Chapter 48.

Approved April 26, 2000