

CHAPTER 54**(HB 203)**

AN ACT relating to the Judicial Branch Budget and declaring an emergency.

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

Section 1. 2000 Kentucky Acts Chapter 545, PART III, GENERAL PROVISIONS, at pages 3270 to 3273, is amended to read as follows:

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 General Fund 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 another act 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's restricted 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 court costs 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 to twenty 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 for each 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 court costs.~~

~~— (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 person requesting 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 person requesting 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.~~

SECTION 2. A NEW SECTION OF KRS CHAPTER 23A IS CREATED TO READ AS FOLLOWS:

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 expenses of the Circuit Court as follows:

(1) In civil cases; a fee of twenty-five dollars (\$25) may be added to filing fees;

- (2) *In criminal cases, a cost of twenty-five dollars (\$25) may be added to the court costs that the defendant is required to pay; and*
- (3) *In civil cases that are appealed from the Circuit Court to the Court of Appeals, a fee of twenty-five dollars (\$25) may be added to the filing fees.*

SECTION 3. A NEW SECTION OF KRS CHAPTER 24A IS CREATED TO READ AS FOLLOWS:

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 expenses of the District Court as follows:

- (1) *In all traffic offense cases, a fee of ten dollars (\$10) may be added to the court costs;*
- (2) *In probate cases, a filing fee of ten dollars (\$10) may be added to each filing fee;*
- (3) *In misdemeanor cases, a cost of twenty dollars (\$20) may be added to the court costs;*
- (4) *In small claim cases, a fee of ten dollars (\$10) may be added to all filing fees; and*
- (5) *In civil cases, a fee of ten dollars (\$10) may be added to all filing fees.*

SECTION 4. A NEW SECTION OF KRS CHAPTER 64 IS CREATED TO READ AS FOLLOWS:

- (1) *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 expenses of courthouses. The fees may be added as follows:*
 - (a) *In addition to the fees normally charged for the service of a subpoena, the person requesting service may be charged a fee of ten dollars (\$10); and*
 - (b) *In addition to the fees normally charged for the service of a civil summons, the person requesting service may be charged a fee of ten dollars (\$10).*
- (2) *Nothing in this section shall change any other fee allocation allowed by statute.*

Section 5. The provisions of Section 1 to 4 of this Act shall supersede and prevail over any conflicting provisions of the 2000 Kentucky Acts Chapter 524 (House Joint Resolution 84), the 2000-2002 Judicial Branch Budget Memorandum.

Section 6. Whereas some fiscal courts have already adopted these additional fees and costs in the amounts identified in this Act in accordance with the provisions of 2000 Kentucky Acts Chapter 545, (House Bill 577), the 2000-2002 Judicial Branch Budget Act, and there exists the need to provide continuing statutory authority for the levy of these additional fees and costs, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming law.

Approved March 15, 2001