

**CHAPTER 14****(HB 294)**

AN ACT making appropriations for the operations, maintenance, support, and functioning of the judicial branch of the government of the Commonwealth 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, 2002, and ending June 30, 2003, and for the fiscal year beginning July 1, 2003, and ending June 30, 2004, 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

	2002-03	2003-04
General Fund	144,659,600	150,490,400
Restricted Funds	11,178,100	11,701,100
Federal Funds	2,956,200	1,223,800
Total	158,793,900	163,415,300

Funds are included to provide a two and seven-tenths percent salary adjustment in fiscal year 2002-2003 for nonelected court personnel. Funds are included to provide a cost-of-living adjustment amounting to an annualized value of \$1,080 in fiscal year 2003-2004 for nonelected permanent full-time court personnel. Included are funds to provide a two and seven-tenths percent salary adjustment for justices and judges in fiscal year 2002-2003. As provided in KRS 48.195, funds are included to provide a cost-of-living adjustment amounting to an annualized value of \$1,080 for justices and judges in fiscal year 2003-2004. Also included are funds to provide a two and seven-tenths percent salary adjustment for the salaries of circuit clerks in fiscal year 2002-2003. Notwithstanding KRS 64.056, funds are included to provide a cost-of-living adjustment amounting to an annualized value of \$1,080 for the circuit clerks in fiscal year 2003-2004. Notwithstanding KRS 64.057, funds are included to provide a cost-of-living adjustment amounting to an annualized value of \$1,080 for deputy circuit clerks in fiscal year 2003-2004. The Director of the Administrative Office of the Courts shall determine a pro rata equivalent value of the \$1,080 which amount shall be awarded to permanent part-time employees. Commencing with an eligible official's or employee's anniversary date, the cost-of-living adjustment shall be disbursed by payroll period in one-twenty-fourth installment for the duration of employment. The cost-of-living adjustment shall be part of the salary or compensation base of the employee. Also included are funds for the salaries of the circuit clerks in fiscal year 2002-

2003 and in fiscal year 2003-2004 as provided for in the Judicial Branch Budget Recommendation.

Notwithstanding KRS 24A.100(3), funds are included in the above General Fund appropriation to continue the statutory maximum salary of trial commissioners as provided for in the Judicial Branch Budget Recommendation.

Included in the above appropriation is \$125,000 in fiscal year 2002-2003 and \$200,000 in fiscal year 2003-2004 to support the Kentucky Legal Education Opportunities (KLEO) Program. Participants may be required to meet certain grade point average (GPA) conditions. Both phases of the Kentucky Legal Education Opportunities (KLEO) Program shall be operational for fiscal year 2003-2004.

b. Local Facilities Fund

	2002-03	2003-04
General Fund	49,346,300	57,845,300

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 2001-2002 shall not lapse and shall continue into fiscal year 2002-2003, and any unexpended balance remaining at the close of fiscal year 2002-2003 shall not lapse and shall be continued into fiscal year 2003-2004.

c. Local Facilities Use Allowance Contingency Fund

	2002-03	2003-04
General Fund	0	0

Notwithstanding KRS 45.229, any unexpended balance remaining at the close of fiscal year 2001-2002 shall not lapse and shall continue into fiscal year 2002-2003, and any unexpended balance remaining at the close of fiscal year 2002-2003 shall not lapse and shall be continued into fiscal year 2003-2004 to provide for cost overruns in authorized court facilities projects not to exceed 15 percent of the use allowance in accordance with KRS Chapter 26A. 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 shall be deemed a necessary governmental expense (General Fund Surplus Account, KRS 48.700).

Total Court of Justice

	2002-03	2003-04
General Fund	194,005,900	208,335,700
Restricted Funds	11,178,100	11,701,100
Federal Funds	2,956,200	1,223,800

TOTAL	208,140,200	221,260,600
2. Judicial Form Retirement System		
	2002-03	2003-04
General Fund	2,500,600	2,519,400
Restricted Funds	145,000	
TOTAL	2,645,600	2,519,400

General Fund amounts are included to provide for the 2001 actuarial assessed needs of the Judicial Form Retirement System.

#### TOTAL - OPERATING BUDGET

	2002-03	2003-04
General Fund	196,506,500	210,855,100
Restricted Funds	11,323,100	11,701,100
Federal Funds	2,956,200	1,223,800
TOTAL	210,785,800	223,780,000

### PART II

#### CAPITAL PROJECTS BUDGET

1. Local Facility Projects
  - a. Franklin County - Lease Office Space
  - b. Franklin County - Lease Court of Appeals
  - c. 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).

Nothing in this Act shall reduce the funding of court facility projects authorized by the General Assembly.

#### TOTAL - JUDICIAL BRANCH BUDGET

	2002-03	2003-04
General Fund	196,506,500	210,855,100
Restricted Funds	11,323,100	11,701,100
Federal Funds	2,956,200	1,223,800
TOTAL	210,785,800	223,780,000

### 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 2003 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, 2002, and June 30, 2003, 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 2002-2004 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 60 days of the adjournment of the 2003 Regular Session of the General Assembly.

9. Funding for the Commonwealth's family courts has been continued during fiscal year 2002-2003 and fiscal year 2003-2004.

10. The sum of \$6,000,000 from the General Fund carried forward from fiscal year 2001-2002 into fiscal year 2002-2003 in the Local Facilities Fund shall be lapsed to the credit of the General Fund Surplus Account within 30 days of the effective date of this Act.

11. It is the intent of the General Assembly that the Court of Justice shall not eliminate or reduce the number of District Court or Circuit Court employees below the level employed on January 1, 2003.

12. The Chief Justice of the Commonwealth of Kentucky shall have the ability to transfer funds to other programs and budget units within the Judicial Branch. Any funds transferred to other budget units within the Judicial Branch may be used to support any activity, program, or operation of the budget unit or program receiving the respective funds.

13. By September 30 of each year, the Judicial Branch shall submit a report to the Interim Joint Committee on Appropriations and Revenue which details the amount of arrest fees assessed and remitted to each local law enforcement agency for the preceding fiscal year. This report shall be submitted in electronic format.

14. By September 30 of each year, the Judicial Branch shall submit a report detailing the amount and nature of uncollected court fees for the preceding fiscal year. This report shall be submitted in electronic format.

#### 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 March 7, 2003**