

**CHAPTER 197****(HB 396)**

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, 2004, and ending June 30, 2005, and for the fiscal year beginning July 1, 2005, and ending June 30, 2006, 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, Family 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

	2004-05	2005-06
General Fund	156,513,000	164,912,600
Restricted Funds	13,296,300	14,175,800
Federal Funds	3,096,500	1,604,200
Total	172,905,800	180,692,600

Funds are included to provide a one and one-half percent salary adjustment in fiscal year 2004-2005 and a three percent salary adjustment in fiscal year 2005-2006 for nonelected court personnel. Included are funds to provide a one and one-half percent salary adjustment in fiscal year 2004-2005 and a three percent salary adjustment in fiscal year 2005-2006 for justices and judges. Also included are funds for the salaries of the circuit clerks in fiscal year 2004-2005 and in fiscal year 2005-2006 as provided for in the Judicial Branch Budget Recommendation.

Included in the above General Fund appropriation is \$2,198,000 in fiscal year 2004-2005 and \$4,015,700 in fiscal year 2005-2006 to replace Federal Funds for existing drug court sites whose funding expires during the 2004-2006 fiscal biennium. Included in the above General Fund appropriation is \$88,700 in fiscal year 2004-2005 and \$109,600 in fiscal year 2005-2006 to replace Restricted Funds for Kenton Juvenile and Whitley Juvenile Drug Courts.

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 General Fund appropriation is \$225,000 in fiscal year 2004-2005 and \$225,000 in fiscal year 2005-2006 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 years 2004-2005 and 2005-2006.

Included in the above Restricted Funds appropriation is \$7,339,300 in fiscal year 2004-2005 and \$7,732,100 in fiscal year 2005-2006 to support deputy clerk positions, salary enhancements, and related initiatives in the circuit clerk's offices. These amounts include a one and one-half percent salary increment in fiscal year 2004-2005 and a three percent salary increment in fiscal year 2005-2006, and the employer's cost for benefits, including health insurance based on the September 1, 2003, Restricted Funds personnel level. ~~{The Chief Justice of the Supreme Court shall ensure these funds are not utilized for any other purpose within the Judicial Branch budget or for any unfunded purposes not specified in this Act.}~~

Included in the above General Fund appropriation is \$482,000 in fiscal year 2004-2005 and \$1,486,900 in fiscal year 2005-2006 to provide an Employee Health Insurance cost-of-living adjustment (COLA) for non-elected personnel and circuit clerks, which shall be added to the employee's base salary and employee's wages to help offset the rising cost of employees' health insurance premiums. ~~{The Chief Justice of the Supreme Court shall ensure these funds are not utilized for any other purpose within the Judicial Branch budget or for any unfunded purposes not specified in this Act.}~~

b. Local Facilities Fund

	2004-05	2005-06
General Fund	59,442,800	59,994,600

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.

The balance remaining at the end of fiscal year 2003-2004 totaling \$2,500,000, shall not carry forward into fiscal year 2004-2005 and shall lapse to the credit of the General Fund Surplus account (KRS 48.700).

Notwithstanding KRS 45.229, any unexpended balance remaining at the close of fiscal year 2003-2004 shall not lapse and shall continue into fiscal year 2004-2005, and any unexpended balance remaining at the close of fiscal year 2004-2005 shall not lapse and shall be continued into fiscal year 2005-2006.

The use allowance for the Fayette County Courthouse is contingent upon Short Street in Lexington, Kentucky, remaining open to vehicular traffic.

c. Local Facilities Use Allowance Contingency Fund

	2004-05	2005-06
General Fund	-0-	-0-

Notwithstanding KRS 45.229, any unexpended balance remaining at the close of fiscal year 2003-2004 shall not lapse and shall continue into fiscal year 2004-2005, and any unexpended balance remaining at the close of fiscal year 2004-2005 shall not lapse and shall be continued into fiscal year 2005-2006 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.

TOTAL - COURT OF JUSTICE

	2004-05	2005-06
General Fund	215,955,800	224,907,200
Restricted Funds	13,296,300	14,175,800
Federal Funds	3,096,500	1,604,200
TOTAL	232,348,600	240,687,200

## 2. Judicial Form Retirement System

	2004-05	2005-06
General Fund	2,299,800	2,303,300

General Fund amounts are included to provide for the 2003 actuarial assessed needs of the Judicial Form Retirement System.

## TOTAL - OPERATING BUDGET

	2004-05	2005-06
General Fund	218,255,600	227,210,500
Restricted Funds	13,296,300	14,175,800
Federal Funds	3,096,500	1,604,200
TOTAL	234,648,400	242,990,500

## 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

	2004-05	2005-06
General Fund	218,255,600	227,210,500
Restricted Funds	13,296,300	14,175,800
Federal Funds	3,096,500	1,604,200
TOTAL	234,648,400	242,990,500

## 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 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 2004 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, 2004, and June 30, 2005, shall not lapse and shall continue into the next fiscal year.

7. The Chief Justice shall cause the Director of the Administrative Office of the Courts to prepare a final budget document reflecting the 2004-2006 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 2004 Regular Session of the General Assembly.

8. 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.

9. Funding for the Kentucky Legal Education Opportunities (KLEO) Program has been continued during fiscal year 2004-2005 and fiscal year 2005-2006.

~~10. The Chief Justice shall not reallocate or reduce the salary, annual increment, or related benefits, including cost-of-living adjustments provided by the 2004 General Assembly to help offset the employee's share of health insurance premiums, for any Judicial Branch employee from that appropriated by the 2004 General Assembly for fiscal biennium 2004-2006 for any purposes not specified in this Act.~~

~~11. It is the intent of the General Assembly that the Court of Justice shall not eliminate or reduce the number of Administrative Office of the Courts, Circuit Clerks', District Court, or Circuit Court employees below the level employed on January 1, 2004. Furthermore, Restricted Funds support provided for deputy clerks' salary enhancements and initiatives shall not be reallocated within the Judicial Branch budget for any unfunded purposes not specified in this Act.~~

~~12.~~ 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.

*11.* ~~{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.

*12.* ~~{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 in part and vetoed in part, April 23, 2004**