

CHAPTER 250**(HB 382)**

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**

(1) Funds Appropriations: There is appropriated out of the General Fund, Restricted Funds accounts, and Federal Funds accounts for the fiscal year beginning July 1, 2006, and ending June 30, 2007, and for the fiscal year beginning July 1, 2007, and ending June 30, 2008, 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, 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**

	2006-07	2007-08
General Fund	180,542,400	193,575,400
Restricted Funds	21,780,600	22,085,100
Federal Funds	1,769,900	1,431,500
TOTAL	204,092,900	217,092,000

(1) Salary Adjustments: Funds are included to provide a salary adjustment in fiscal years 2006-2007 and 2007-2008 for non elected court personnel. Included are funds to provide for a salary adjustment in fiscal years 2006-2007 and 2007-2008 for the justices and judges. Also included are funds for the salaries of the circuit clerks in fiscal years 2006-2007 and 2007-2008.

Notwithstanding KS 18A.355(1), in fiscal year 2006-2007 and in fiscal year 2007-2008 a salary adjustment amounting to an annualized value on the base salary or wages of each eligible full-time and part-time employee on their anniversary date is provided. The amount of the salary adjustment is determined by each eligible employee's annual base salary or wages on their anniversary date, and the following table reflects the annualized values of the salary adjustment for fiscal year 2006-2007 and fiscal year 2007-2008.

Annual Base Salary or Wages	2006-07	2007-08
\$0 to \$30,000.00	\$1,350	\$1,350
\$30,000.01 to \$50,000.00	\$1,200	\$1,200
\$50,000.01 to \$60,000.00	\$1,000	\$1,000
\$60,000.01 to \$80,000.00	\$600	\$600
\$80,000.01 and above	\$400	\$400

Commencing with an eligible employee's anniversary date, the salary adjustment shall be added to the eligible employee's base salary or wages and shall be disbursed by payroll period in a one-twenty-fourth installment for the duration of the employment. The Chief Justice of the Supreme Court shall determine the pro rata amount of the salary adjustment to be provided to part-time employees. The salary adjustment shall be a part of the salary or wage base of the employee.

(2) Circuit Court Judgeships: Included in the above General Fund appropriation is funding in fiscal year 2006-2007 and fiscal year 2007-2008 to support eight Circuit Court judgeships authorized by the 2005 General Assembly and additional Circuit Court judgeships in the Fourth Judicial Circuit, the Ninth Judicial Circuit, the

Fourteenth Judicial Circuit, the Thirty-ninth Judicial Circuit, the Forty-ninth Judicial Circuit, the Fifty-fourth Judicial Circuit, and the Fifty-seventh Judicial Circuit.

(3) **District Court Judgeships:** Included in the above General Fund appropriation is funding in fiscal year 2006-2007 and fiscal year 2007-2008 for additional District Court judgeships in the Eighth Judicial District and the Twenty-fifth Judicial District.

(4) **Drug Court Sites:** Included in the above General Fund appropriation is \$1,300,000 in fiscal year 2006-2007 and \$1,725,000 in fiscal year 2007-2008 to replace Federal Funds for existing Drug Court sites whose funding expires during the 2006-2008 fiscal biennium. The above General Fund appropriation includes \$980,000 in fiscal year 2007-2008 to expand eight existing Drug Court sites. Also included in the above General Fund appropriation is \$4,770,000 in fiscal year 2007-2008 for 20 new Drug Court sites.

(5) **Deputy Clerk Salary Improvement:** Included in the above General Fund appropriation is \$1,213,900 in fiscal year 2006-2007 and \$1,274,500 in fiscal year 2007-2008 to support a deputy clerk salary enhancement initiative in the circuit clerks' offices. These amounts include an increase in the minimum entry level and a minimum across-the-board increase for those deputy clerks whose salaries are less than \$40,000.

(6) **Maximum Salary of Trial Commissioners:** Notwithstanding KS 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.

b. Local Facilities Fund

	2006-07	2007-08
General Fund	60,798,700	82,545,900

(1) **Local Court Facility Compensation:** Included in the above appropriation is money to compensate local units of government for providing court space and for costs incurred in the development of local court facilities as defined in KS Chapter 26A and provided in Part II of this Act, and to perform all other acts required or authorized by KS Chapter 26A.

(2) **Funds Carry Forward:** Notwithstanding KS 45.229, any unexpended balance remaining at the close of fiscal year 2005-2006 shall not lapse and shall continue into fiscal year 2006-2007, and any unexpended balance remaining at the close of fiscal year 2006-2007 shall not lapse and shall be continued into fiscal year 2007-2008.

(3) **Fayette County Courthouses:** Included in the above General Fund appropriation is \$300,000 in fiscal year 2006-2007 for improvements to ~~14~~ (Veto #1) client interview areas in the Fayette County Courthouses.

(4) **Fayette County Courthouses Use Allowance:** The use allowance for the Fayette County Courthouses is contingent upon Short Street in Lexington, Kentucky, remaining open to traffic.

c. Local Facilities Use Allowance Contingency Fund

	2006-07	2007-08
General Fund	-0-	-0-

(1) **Funds Carry Forward:** Notwithstanding KS 45.229, any unexpended balance remaining at the close of fiscal year 2005-2006 shall not lapse and shall continue into fiscal year 2006-2007, and any unexpended balance remaining at the close of fiscal year 2006-2007 shall not lapse and shall be continued into fiscal year 2007-2008 to provide for cost overruns in authorized court facilities projects not to exceed 15 percent of the use allowance in accordance with KS Chapter 26A.

TOTAL - COURT OF JUSTICE

	2006-07	2007-08
General Fund	241,341,100	276,121,300
Restricted Funds	21,780,600	22,085,100
Federal Funds	1,769,900	1,431,500
TOTAL	264,891,600	299,637,900

2. Judicial Retirement System

	2006-07	2007-08
General Fund	3,247,500	3,255,200

(1) **Judicial Retirement Benefits:** General Fund amounts are included to provide actuarial assessed judicial retirement benefits, pursuant to KS 21.345 to 21.580.

TOTAL - OPERATING BUDGET

	2006-07	2007-08
General Fund	244,588,600	279,376,500
Restricted Funds	21,780,600	22,085,100
Federal Funds	1,769,900	1,431,500
TOTAL	268,139,100	302,893,100

PART II

CAPITAL PROJECTS BUDGET

1. **Lease Authorizations**
 - a. Franklin County - Lease - Office Space
 - b. Franklin County - Lease - Court of Appeals
 - c. Jefferson County - Courts Parking Lease
2. **Local Facilities Projects - Authorized:** Nothing in this Act shall reduce the funding of court facility projects authorized by the General Assembly.
3. **Local Facilities Use Allowance Contingency Fund:** 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, KS 48.700).

TOTAL - JUDICIAL BRANCH BUDGET

	2006-07	2007-08
General Fund	244,588,600	279,376,500
Restricted Funds	21,780,600	22,085,100
Federal Funds	1,769,900	1,431,500
TOTAL	268,139,100	302,893,100

PART III

GENERAL PROVISIONS

1. **Expenditure Authority:** 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. **Permissible Obligations Against General Fund Appropriations:** 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.] (Veto #2)~~

3. **Severability of Budget Provisions:** Appropriation items and sums in this Act conform to KS 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. Duplicate Appropriations: Any appropriation item and sum in this Act and in an appropriation provision in another Act of the 2006 General Assembly which constitutes a duplicate appropriation shall be governed by KS 48.312.

5. Priority of Individual Appropriations: KS 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. Carry Forward of Restricted and Federal Funds: Notwithstanding KS 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, 2006, and June 30, 2007, shall not lapse and shall continue into the next fiscal year.

7. Final Budget Document: The Chief Justice shall cause the Director of the Administrative Office of the Courts to prepare a final budget document reflecting the 2006-2008 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 2006 Regular Session of the General Assembly.

8. Transferability of Funds: 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. Appropriations Revisions: Proposed revisions to Restricted Funds and Federal Funds appropriations in this Act shall be made and reported pursuant to KS 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.

10. Judicial Retirement: To achieve consistency with the Kentucky Court of Justice Personnel Policy Section 6.03(2), with respect to non elected employees, the compensation payable to any Justice or Judge, ~~elected after January 1, 2007~~, (*Veto #3*) receiving retirement benefits from the Judicial Retirement Plan on account of prior judicial service shall be fixed at an amount whereby his or her total salary and retirement benefits shall not exceed the salary fixed for the judicial office held.

11. General Fund Expenditure Reductions through Efficiencies: The Chief Justice shall reduce General Fund expenditures appropriated in this Act by \$2,500,000 in fiscal year 2006-2007 and by \$2,500,000 in fiscal year 2007-2008 by reducing waste, fraud, and abuse, and by creating additional savings through increased efficiencies.

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 KS Chapter 48.

PART V

JUDICIAL DISTRICTS AND CIRCUITS

Notwithstanding KRS 48.310, the following statutes are amended to read as follows and shall have permanent effect, subject to future actions by the General Assembly:

Section 1. KRS 23A.040, ~~effective July 15, 2006~~, (*Veto #4*) is amended to read as follows:

The following judicial circuits are entitled to two (2) judges and shall have two (2) numbered divisions of the Circuit Court:

- (1) *Fourth Judicial Circuit.*
- (2) Fifth Judicial Circuit.
- ~~(3)(2)~~ Sixth Judicial Circuit.
- ~~(4)(3)~~ Tenth Judicial Circuit.
- ~~(5)(4)~~ Eleventh Judicial Circuit.

- (6)~~(5)~~ Twelfth Judicial Circuit.
- (7)~~(6)~~ Thirteenth Judicial Circuit.
- ~~(7) Fourteenth Judicial Circuit.]~~
- (8) Eighteenth Judicial Circuit.
- (9) Twentieth Judicial Circuit.
- (10) Twenty-first Judicial Circuit.
- (11) Twenty-fourth Judicial Circuit.
- (12) Thirty-second Judicial Circuit.
- (13) Thirty-fourth Judicial Circuit.
- (14) Thirty-seventh Judicial Circuit.
- (15) Thirty-eighth Judicial Circuit.
- (16) **Thirty-ninth Judicial Circuit.**
- (17) Forty-first Judicial Circuit.
- (18)~~(17)~~ Forty-second Judicial Circuit.
- (19)~~(18)~~ Forty-third Judicial Circuit.
- (20)~~(19)~~ Forty-sixth Judicial Circuit.
- (21) **Forty-ninth Judicial Circuit.**
- (22)~~(20)~~ Fiftieth Judicial Circuit.
- (23)~~(21)~~ Fifty-first Judicial Circuit.
- (24)~~(22)~~ Fifty-third Judicial Circuit.
- ~~(23) Fifty-fourth Judicial Circuit.]~~
- (25)~~(24)~~ Fifty-fifth Judicial Circuit.
- (26) **Fifty-seventh Judicial Circuit.**

Section 2. KRS 23A.045~~[, effective July 15, 2006,]~~ (*Veto #4*) is amended to read as follows:

The following judicial circuits are entitled to three (3) Circuit Judges and shall have three (3) numbered divisions of the Circuit Court:

- (1) Second Judicial Circuit.
- (2) Third Judicial Circuit.
- (3) **Fourteenth~~[Ninth]~~** Judicial Circuit.
- (4) Seventeenth Judicial Circuit.
- (5) Twenty-seventh Judicial Circuit.
- (6) Twenty-eighth Judicial Circuit.
- (7) Thirty-first Judicial Circuit.
- (8) Thirty-fifth Judicial Circuit.
- (9) Forty-eighth Judicial Circuit.
- (10) **Fifty-fourth Judicial Circuit.**

Section 3. KRS 23A.050~~[, effective July 15,]~~ (*Veto #4*) is amended to read as follows:

The following judicial circuits are entitled to four (4) judges and shall have four (4) numbered divisions of the Circuit Court:

- (1) Eighth Judicial Circuit.
- (2) *Ninth Judicial Circuit.*
- (3) Sixteenth Judicial Circuit.
- ~~(4)(3)~~ Twenty-fifth Judicial Circuit.

Section 4. KRS 24A.050, effective January 1, 2007, is amended to read as follows:

The following judicial districts are entitled to two (2) District Judges and shall have two (2) numbered divisions of the District Court:

- (1) Second Judicial District.
- (2) Third Judicial District.
- (3) Fourth Judicial District.
- ~~(4)~~ ~~Eighth Judicial District.~~
- ~~(5)~~ Ninth Judicial District.
- ~~(5)(6)~~ Eleventh Judicial District.
- ~~(6)(7)~~ Twelfth Judicial District.
- ~~(7)(8)~~ Thirteenth Judicial District.
- ~~(8)(9)~~ Fourteenth Judicial District.
- ~~(9)(10)~~ Fifteenth Judicial District.
- ~~(10)(11)~~ Seventeenth Judicial District.
- ~~(11)(12)~~ Twenty-first Judicial District.
- ~~(12)(13)~~ Twenty-fourth Judicial District.
- ~~(13)(14)~~ ~~Twenty-fifth Judicial District.~~
- ~~(15)~~ Twenty-seventh Judicial District.
- ~~(14)(16)~~ Twenty-eighth Judicial District.
- ~~(15)(17)~~ Thirty-first Judicial District.
- ~~(16)(18)~~ Thirty-second Judicial District.
- ~~(17)(19)~~ Thirty-fourth Judicial District.
- ~~(18)(20)~~ Thirty-fifth Judicial District.
- ~~(19)(21)~~ Thirty-eighth Judicial District.
- ~~(20)(22)~~ Fortieth Judicial District.
- ~~(21)(23)~~ Forty-first Judicial District.
- ~~(22)(24)~~ Forty-sixth Judicial District.
- ~~(23)(25)~~ Forty-eighth Judicial District.
- ~~(24)(26)~~ Fifty-first Judicial District.
- ~~(25)(27)~~ Fifty-third Judicial District.
- ~~(26)(28)~~ Fifty-fourth Judicial District.
- ~~(27)(29)~~ Fifty-fifth Judicial District.

(28)~~(30)~~ Fifty-sixth Judicial District.

Section 5. KRS 24A.060, effective January 1, 2007, is amended to read as follows:

The following judicial districts are entitled to three (3) District Judges and shall have three (3) numbered divisions of the District Court:

(1) ***Sixth Judicial District.***

(2) ***Eighth Judicial District.***

(3) ***Twenty-fifth Judicial District***~~[The Sixth Judicial District is entitled to three (3) District Judges and shall have three (3) numbered divisions of the District Court].~~

Section 6. The new judgeships created by Sections 1 to 5 of this Part shall become effective January 1, 2007~~[, and an election to fill each new judgeship shall be placed on the ballot for the general election held in November, 2006. Notwithstanding KRS 118A.060(2), a candidate for a judgeship created by Sections 1 to 5 of this Part may file a petition for nomination during the time period beginning on the effective date of this Act and ending at 4 p.m. local time at the place of filing on August 8, 2006. KRS Chapter 118A notwithstanding, all candidates for a judgeship created by Sections 1 to 5 of this Part who file a valid petition for nomination shall be placed on the ballot].~~ (Veto #4)

Legislative Research Commission Note (7/12/2006). In this bill, material that was vetoed by the Governor is bracketed, struck through, and followed by the number of the veto in parentheses.

Vetoed in part, April 24, 2006. Provisions that were not vetoed became law April 25, 2006, without Governor's signature.