

1 AN ACT creating a Kentucky Citizens' Commission on Judicial Compensation.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 27A IS CREATED TO
4 READ AS FOLLOWS:

5 *(1) In furtherance of the mandatory compensation requirements of Section 120 of*
6 *the Constitution of Kentucky relating to judicial compensation, there is created a*
7 *Kentucky Citizens' Commission on Judicial Compensation for the purpose of*
8 *examining and making recommendations with respect to judicial compensation.*
9 *The commission shall evaluate the adequacy and need for adjustment of*
10 *compensation for Justices of the Supreme Court and Judges of the Court of*
11 *Appeals, the Circuit Courts, and the District Courts.*

12 *(2) The commission shall consider all appropriate factors, including but not limited*

13 *to:*

14 *(a) The overall economic climate in the Commonwealth;*

15 *(b) The rate of inflation;*

16 *(c) The levels of compensation received by justices and judges of other states*
17 *and of the federal government;*

18 *(d) The Commonwealth's interest in attracting highly qualified and*
19 *experienced persons to serve as justices and judges;*

20 *(e) The value of comparable service performed in the private sector, including*
21 *arbitration and mediation;*

22 *(f) The compensation of attorneys and other qualified persons in the private*
23 *sector;*

24 *(g) The consumer price index and changes in that index;*

25 *(h) The overall compensation currently received by other public officials and*
26 *employees; and*

27 *(i) The time requirements of the office for which the compensation*

1 recommendation is made.

2 (3) The commission shall consist of nine (9) members. In nominating and
3 appointing members, special consideration shall be given to individuals who have
4 knowledge of compensation practices and financial matters. The commission
5 shall consist of the following members, who shall serve four (4) year terms or
6 until their successors are duly appointed and qualified, except for those initial
7 appointments with terms designated as lasting two (2) years in length:

8 (a) One (1) member shall be appointed for an initial term of two (2) years and
9 one (1) member shall be appointed for a term of four (4) years by the
10 Governor;

11 (b) One (1) member shall be appointed for an initial term of two (2) years and
12 one (1) member shall be appointed for a term of four (4) years by the
13 President of the Senate;

14 (c) One (1) member shall be appointed for an initial term of two (2) years and
15 one (1) member shall be appointed for a term of four (4) years by the
16 Speaker of the House of Representatives;

17 (d) One (1) member shall be appointed for an initial term of two (2) years and
18 one (1) member shall be appointed for a term of four (4) years by the Chief
19 Justice of the Supreme Court; and

20 (e) One (1) member shall be appointed by the president of the Kentucky Bar
21 Association.

22 (4) The commission shall be administratively attached to the Administrative Office of
23 the Courts. The commission may employ experts to provide analysis and data
24 upon which to base its recommendations.

25 (5) A vacancy on the commission shall be filled promptly for the remainder of the
26 term in the same manner in which the position was originally filled under
27 subsection (3) of this section. If a vacancy remains unfilled for more than ninety

- 1 (90) days, a temporary member of the commission shall be appointed by a vote of
2 the remaining commission members to serve with full powers of a commission
3 member. A temporary member of the commission shall serve until the vacancy is
4 filled.
- 5 (6) No member of the commission shall, during his or her tenure on the commission,
6 hold any other public office or an office in any political party, be a member of
7 any state board or commission, be a registered agent with either the Kentucky
8 Legislative Ethics Commission or the Executive Branch Ethics Commission, or
9 personally contribute or have immediate family members contribute to any
10 political campaign for office within the Commonwealth.
- 11 (7) The members, by majority vote, shall designate a chair from among their number
12 who shall serve for two (2) years from the date of election or until a successor is
13 designated by majority vote and assumes the responsibilities.
- 14 (8) The director of the Administrative Office of the Courts shall call the first meeting
15 of the commission no later than ten (10) days after the appointments are made.
16 For all subsequent meetings, the commission shall meet, either in person or by
17 teleconference, on the call of the chair or on the request of at least three (3)
18 members. The presence of at least four (4) members shall be required to conduct
19 a meeting. The concurrence of at least four (4) members shall be required for any
20 formal action taken by the commission. The commission shall meet at least once
21 every two (2) years.
- 22 (9) Commission members are entitled to reimbursement for mileage and other
23 reasonable expenses related to travel to and from commission meetings when the
24 expenses are approved by the chair. The reimbursement shall be made from the
25 funds of the Administrative Office of the Courts.
- 26 (10) No later than October 1, 2017, and every two (2) years thereafter, the commission
27 shall submit a report on its findings and make written recommendations to the

1 Governor, the Governor's Office for Policy and Management, the Office of State
 2 Budget Director, the Legislative Research Commission, the Chief Justice of the
 3 Supreme Court, and the director of the Administrative Office of the Courts.

4 (11) Salary recommendations made by the commission shall be made prior to October
 5 1 of each odd-numbered year. If the recommendation is timely made, the
 6 recommendation may be incorporated into the judicial branch budget
 7 recommendation submitted to the General Assembly as required by KRS 48.100.

8 (12) A recommendation by the Commission for a salary increase for justices and
 9 judges that does not exceed one hundred five percent (105%) of the current salary
 10 for judicial officers at that level of the Kentucky Court of Justice shall be
 11 presumptively reasonable.

12 ➔Section 2. KRS 48.110 is amended to read as follows:

13 Each branch budget recommendation shall contain a complete financial plan for the
 14 branch of government for each of the next two (2) fiscal years. Each branch budget
 15 recommendation shall include:

16 (1) A budget message signed by:

17 (a) The Governor for the executive branch;

18 (b) The Chief Justice for the judicial branch; and

19 (c) The co-chairmen of the Legislative Research Commission for the legislative
 20 branch;

21 (2) (a) Statements of income and receipts for the two (2) fiscal years last concluded,
 22 and the estimated income and receipts, for each budget unit of the branch of
 23 government for the current fiscal year and each of the next two (2) fiscal
 24 years.

25 (b) The statements of income and estimated income shall be itemized by budget
 26 unit and fund, and shall show separately receipts from:

27 1. Current income;

- 1 2. Refunds and reimbursements of expenditures;
- 2 3. The sale of assets; and
- 3 4. Receipts on account of the income of prior years.
- 4 (c) Existing sources of income and receipts shall be analyzed as to their equity,
- 5 productivity and need for revision, and any proposed new sources of income
- 6 or receipts shall be explained;
- 7 (3) A statement of the surplus in any account and in any special fund of the branch of
- 8 government. If a surplus exists in any account of the branch of government the
- 9 statement shall show the excess of all current assets over all current liabilities as of
- 10 the beginning of each of the two (2) fiscal years last concluded, and all changes in
- 11 these accounts during each of such two (2) fiscal years;
- 12 (4) A statement as of the close of the last completed fiscal year and as of the close of
- 13 the current fiscal year showing, for each budget unit the total funded debt, the value
- 14 of sinking fund assets, the net funded debt, the floating liabilities as of the end of
- 15 the current fiscal year, and the total debt as of the close of the last completed fiscal
- 16 year and as of the close of the current fiscal year;
- 17 (5) Summary and detailed comparative statements of expenditures itemized by budget
- 18 unit for each of the two (2) fiscal years last concluded and requests for
- 19 appropriations by funds or accounts, the budget of the current year, and the
- 20 recommendations for appropriations for each of the next two (2) fiscal years.
- 21 Following the lists of actual and proposed expenditures of each budget unit there
- 22 shall be a detailed explanation of the actual and proposed expenditures, to include
- 23 activities, beneficiaries and expected results of the programs or services of the
- 24 budget units;
- 25 (6) A draft of the proposed branch budget bill containing:
- 26 (a) Recommendations of the branch of government for appropriations for the next
- 27 two (2) fiscal years, and drafts of such revenue and other acts as may be

1 recommended for implementing the proposed financial plan;

2 (b) Recommended appropriations for extraordinary expenses and capital outlays,
3 which shall be itemized in the proposed branch budget bill for the branch by
4 budget unit. The title of each budget unit shall be worded to limit each
5 appropriation to the specific use or purpose intended;

6 (c) A plan for the reduction of the branch budget if there is a revenue shortfall of
7 five percent (5%) or less in the general fund or road fund. In recommending
8 budget reductions, the Governor, the Chief Justice, and the Legislative
9 Research Commission shall not recommend universal percentage reductions,
10 but shall weigh the needs of all budget units and shall strive to protect the
11 highest possible level of service in their respective branches. Services which
12 are not essential to constitutional functions shall be subject to reduction.
13 Transfer of funds may be authorized by the budget reduction plan;

14 (d) 1. A plan for the expenditure of a general fund or road fund surplus of up
15 to two and one-half percent (2.5%).
16 2. The plan shall include provisions for the expenditure of a surplus, and
17 may provide for additional moneys for nonrecurring expenditures for
18 which an appropriation was not made in a branch budget bill, or for a
19 program or service authorized by law for which an appropriation was not
20 made, or which was not fully funded.
21 3. In lieu of recommending the appropriation of funds, the plan may
22 instead recommend the retention of surplus funds in the surplus account
23 of the general fund or road fund for investment until appropriated by the
24 General Assembly;

25 (e) 1. A recommended state capital projects program and a recommended
26 program for the purchase of major items of equipment.
27 2. The recommended capital construction program shall include:

- 1 a. A complete list and summary description of each specific capital
2 construction project recommended for funding during the
3 biennium; and
- 4 b. For each project:
- 5 i. The agency and purpose for which it will be used;
- 6 ii. The justification for the project;
- 7 iii. Its estimated completion date;
- 8 iv. The total estimated cost of completing the project;
- 9 v. The estimated cost of the project during the biennium;
- 10 vi. The recommended sources of funds for the entire project;
- 11 and
- 12 vii. The dollar amounts recommended for appropriation and the
13 dollar amounts, listed by source, that are anticipated
14 from every other source of funds for the biennium.
- 15 3. All information required by subparagraph 2. of this paragraph shall be
16 included in each branch budget recommendation. Each branch budget
17 bill shall contain only a complete list of the specific capital construction
18 projects recommended for funding during the biennium and, for each
19 project, the information specified in subparagraph 2.b.v., vi., and vii. of
20 this paragraph.
- 21 4. A report which details the effect of recommended new debt on the debt
22 position of the Commonwealth shall be submitted at the same time the
23 recommended capital program is submitted. Information shall be
24 presented separately, and in total, for the general fund, road fund, and
25 any affected restricted fund account.
- 26 5. Information in the report shall include but not be limited to the
27 following:

- 1 a. Debt service on existing appropriation-supported debt, as a
2 percentage of anticipated total revenues;
- 3 b. Debt service on existing appropriation-supported debt, as a
4 percentage of anticipated available revenues;
- 5 c. The sum of debt service on existing appropriation-supported debt
6 and debt service on recommended new appropriation-supported
7 debt, as a percentage of anticipated total revenues;
- 8 d. The sum of debt service on existing appropriation-supported debt
9 and debt service on recommended new appropriation-supported
10 debt, as a percentage of anticipated available revenues;
- 11 e. The sum of debt service on existing appropriation-supported debt
12 and debt service on recommended new appropriation-supported
13 debt, as a percentage of estimated state total personal income; and
- 14 f. The sum of existing appropriation-supported debt and
15 recommended new appropriation-supported debt, as a percentage
16 of estimated state total personal income.
- 17 6. The recommended program for the purchase of major items of
18 equipment submitted by the head of each branch of government shall
19 include:
 - 20 a. A complete list and summary description of each specific major
21 item of equipment recommended for purchase during the
22 biennium; and
 - 23 b. For each major item of equipment:
 - 24 i. The agency and purpose for which it will be used;
 - 25 ii. The justification for the purchase;
 - 26 iii. The estimated cost of the item, including ancillary expenses
27 and any expenses necessary to make the equipment

- 1 functional and operational;
- 2 iv. The recommended sources of funds; and
- 3 v. The dollar amounts recommended for appropriation and
- 4 anticipated from every other source of funds for the
- 5 purchase.
- 6 7. All information required by subparagraph 5. of this paragraph shall be
- 7 included in the executive branch budget recommendation. The branch
- 8 budget bill for the executive branch shall contain only a complete list of
- 9 each specific item of major equipment recommended for purchase
- 10 during the biennium and, for each item, the information specified in
- 11 subparagraph 6.b.iii., iv., and v. of this paragraph;
- 12 (f) The branch budget recommendation for the Transportation Cabinet shall
- 13 include the following information:
- 14 1. A separate branch budget bill;
- 15 2. A recommended biennial highway construction plan, which shall be
- 16 presented as a separate bill, and which shall include a list of individual
- 17 transportation projects included in the last four (4) years of the six (6)
- 18 year road plan, not to exceed ten percent (10%) of the recommended
- 19 biennial highway construction appropriation, which can be advanced if:
- 20 a. Additional funds are received; and
- 21 b. All projects included in the biennial highway construction plan
- 22 have been advanced or completed to the extent possible; and
- 23 3. The six (6) year road plan. The Governor shall have ten (10) working
- 24 days after submission of the branch budget recommendation and the
- 25 recommended biennial highway construction plan to submit the six (6)
- 26 year road plan. The six (6) year road plan shall be submitted in a form
- 27 and format cooperatively developed by the Transportation Cabinet and

1 the General Assembly and approved by the Legislative Research
2 Commission;~~and~~

3 (g) 1. In the executive branch budget recommendation, as a separate section,
4 an amount sufficient to meet unexpected contingencies or emergencies,
5 including but not limited to natural or man-made disasters, civil
6 disorders, court orders requiring or resulting in the expenditure of state
7 funds, or other related causes.

8 2. The amount shall be based on the nature, type, and frequency of named
9 categories of events which may, from past experience, be reasonably
10 anticipated.

11 3. This portion of the budget recommendation shall detail similar incidents
12 and the nature and amount of the expenditures for each during the ten
13 (10) years immediately preceding; **and**

14 **(h) In the judicial branch budget recommendation, the compensation**
15 **information required by Section 1 of this Act.**

16 The total amount of appropriations recommended from any fund shall not exceed
17 the cash resources estimated to be available and to become available to meet
18 expenditures under the appropriations;

19 (7) A certificate of the branch of government as to the accuracy of the statements of
20 financial condition, of income and receipts, and of expenditures; and

21 (8) Such other information as is deemed desirable, or is required by law or regulation.

22 ➔Section 3. KRS 48.195 is amended to read as follows:

23 (1) **(a)** The General Assembly shall set the salaries of the justices and judges of the
24 Court of Justice in the judicial branch budget bill.

25 **(b)** The Chief Justice shall include in the judicial branch budget recommendation
26 the salaries of the justices and the judges. **This paragraph shall apply only in**
27 **cases where a recommendation of the Kentucky Citizens' Commission on**

1 **Judicial Compensation was not timely made under Section 1 of this Act.**

2 **(c)** If the General Assembly concurs with the recommended judicial salaries
3 contained in the judicial branch budget recommendation, then the judicial
4 salaries shall be set in the judicial branch budget bill by incorporating by
5 reference the judicial branch budget recommendation.

6 **(d)** If the General Assembly sets judicial salaries different from the judicial
7 branch budget recommendation, then the General Assembly shall set forth the
8 salaries of the justices and judges or the incremental changes in the judicial
9 branch budget bill.

10 (2) The Chief Justice shall include in the judicial branch budget recommendation:

11 (a) The filing fees and costs, and any changes in the fees and costs, set under KRS
12 23A.200 or 24A.170 during the fiscal biennium immediately preceding the
13 biennium for which the recommendation is submitted; and

14 (b) A statement of whether, and to what extent, the Supreme Court intends to
15 raise or anticipates raising the fees and costs set under KRS 23A.200 or
16 24A.170 during the biennium for which the recommendation is submitted.