GENERAL ASSEMBLY
COMMONWEALTH OF KENTUCKY

2010 REGULAR SESSION

HOUSE BILL NO. 293

AS ENACTED

THURSDAY, APRIL 1, 2010

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:

1 **PART I**

2 **OPERATING BUDGET**

3 **(1) Funds Appropriations:** There is appropriated out of the General Fund,
4 Restricted Funds accounts, or Federal Funds accounts for the fiscal year beginning July 1,
5 2010, and ending June 30, 2011, and for the fiscal year beginning July 1, 2011, and
6 ending June 30, 2012, in the following sums to be used for the purposes of the Judicial
7 Branch of the government of the Commonwealth of Kentucky, including the Supreme
8 Court, Court of Appeals, Circuit Court, Family Court, District Court, the Administrative
9 Office of the Courts, Judicial Retirement, Local Facilities Fund, Local Facilities Use
10 Allowance Contingency Fund, and for services performed by the Circuit Court Clerks'
11 offices, including both Circuit and District Court support.

12 **1. Court of Justice**

13 **a. Court Operations and Administration**

		2010-11	2011-12
15	General Fund	195,030,000	193,079,700
16	Restricted Funds	35,218,000	35,218,000
17	Federal Funds	2,707,700	2,707,700
18	TOTAL	232,955,700	231,005,400

19 **(1) Salary Adjustments:** No funds are provided in fiscal year 2010-2011 and
20 fiscal year 2011-2012 for salary adjustments for non-elected court personnel, Justices,
21 Judges, and Circuit Court Clerks.

22 **(2) Issuance of Employee Paychecks:** Notwithstanding any statute or

1 administrative regulation to the contrary, the state payroll that would normally be
2 scheduled to be paid on June 30, 2012, shall not be issued prior to July 1, 2012. The
3 associated cost of this payroll shall be paid from fiscal year 2012-2013 resources. The
4 Chief Justice shall transfer any Restricted Funds, that become excess as the result of this
5 action, to the General Fund.

6 (3) **Funds Carry Forward:** Notwithstanding KRS 45.229, any unexpended
7 balance remaining at the close of fiscal year 2009-2010 shall not lapse and shall continue
8 into fiscal year 2010-2011, and any unexpended balance remaining at the close of fiscal
9 year 2010-2011 shall not lapse and shall continue into fiscal year 2011-2012.

10 (4) **Civil Filing Fees:** Pursuant to its authority, if the Supreme Court retains the
11 increase from 2008 in civil filings fees, the additional income resulting from the fee
12 increases, not to exceed $5,000,000 in each fiscal year of the biennium, shall be deposited
13 into a trust and agency account for court operations. Any revenue generated by these
14 increases in excess of $5,000,000 in each fiscal year of the biennium shall be deposited
15 into the General Fund.

16 (5) **Night Court in Jefferson County:** The Administrative Office of the Courts
17 shall continue the operations and current schedule of night court in Okolona and
18 Middletown in Jefferson County in fiscal year 2010-2011 and fiscal year 2011-2012.

19 **b. Local Facilities Fund**

	2010-11	2011-12
General Fund	90,500,000	117,500,000

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

27 (2) **Funds Carry Forward:** Notwithstanding KRS 45.229, any unexpended

1 balance remaining at the close of fiscal year 2009-2010 shall not lapse and shall continue
2 into fiscal year 2010-2011, and any unexpended balance remaining at the close of fiscal
3 year 2010-2011 shall not lapse and shall continue into fiscal year 2011-2012.
4 **(3) Fayette County Courthouse Use Allowance:** The use allowance for the
5 Fayette County Courthouse is contingent upon Short Street in Lexington, Kentucky,
6 remaining open to traffic.
7 **c. Local Facilities Use Allowance Contingency Fund**

	2010-11	2011-12
8		
9 General Fund	-0-	-0-

10 **(1) Funds Carry Forward:** Notwithstanding KRS 45.229, any unexpended
11 balance remaining at the close of fiscal year 2009-2010 shall not lapse and shall continue
12 into fiscal year 2010-2011, and any unexpended balance remaining at the close of fiscal
13 year 2010-2011 shall not lapse and shall continue into fiscal year 2011-2012 to provide
14 for cost overruns in authorized court facilities projects not to exceed 15 percent of the use
15 allowance in accordance with KRS Chapter 26A.
16 **TOTAL - COURT OF JUSTICE**

	2010-11	2011-12
17		
18 General Fund	285,530,000	310,579,700
19 Restricted Funds	35,218,000	35,218,000
20 Federal Funds	2,707,700	2,707,700
21 TOTAL	323,455,700	348,505,400

22 **2. Judicial Retirement System**

	2010-11	2011-12
23		
24 General Fund	5,319,100	5,759,100

25 **(1) Judicial Retirement Benefits:** Notwithstanding KRS 21.345 to 21.580,
26 included in the above General Fund appropriation is $4,840,000 in fiscal year 2010-2011
27 and $5,280,000 in fiscal year 2011-2012 to fund 44 percent in fiscal year 2010-2011 and

1 48 percent in fiscal year 2011-2012 of the actuarial assessed judicial retirement benefits.

2 **TOTAL - OPERATING BUDGET**

	2010-11	2011-12
General Fund	290,849,100	316,338,800
Restricted Funds	35,218,000	35,218,000
Federal Funds	2,707,700	2,707,700
TOTAL	328,774,800	354,264,500

PART II

CAPITAL PROJECTS BUDGET

Budget Unit	2010-11	2011-12

1. Local Facilities

(1) Local Facilities Projects - Authorized: Nothing in this Act shall reduce funding of court facility projects authorized by the General Assembly.

(2) 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, KRS 48.700).

2. Lease Authorizations

001. Franklin County - Lease - Office Space

002. Franklin County - Lease - Court of Appeals

003. Jefferson County - Courts Parking Lease

TOTAL - JUDICIAL BRANCH BUDGET

	2010-11	2011-12
General Fund	290,849,100	316,338,800
Restricted Funds	35,218,000	35,218,000

Federal Funds	2,707,700	2,707,700
TOTAL	328,774,800	354,264,500

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 operations 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. **Severability of Budget Provisions:** Appropriation items and sums in this Act conform to KRS 48.311. If any section, any subsection, or any provision thereof shall be invalid or unconstitutional, the decision of the courts shall not affect or impair any of the remaining sections, subsections, or provisions.

3. **Duplicate Appropriations:** Any appropriation item and sum in this Act and in an appropriation provision in another Act of the 2010 Regular Session of the General Assembly which constitutes a duplicate appropriation shall be governed by KRS 48.312.

4. **Priority of Individual Appropriations:** 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.

5. **Carry Forward of Restricted and Federal Funds:** 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, 2010, and June 30, 2011, shall not lapse and shall continue into the next fiscal year.

6. **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 2010-2012 biennial budget of the Court of Justice. A copy shall be provided to the

1 Legislative Research Commission and an informational copy shall be furnished to the
2 Finance and Administration Cabinet within 60 days of the adjournment of the 2010
3 Regular Session of the General Assembly.

4 7. **Transferability of Funds:** The Chief Justice of the Commonwealth of
5 Kentucky shall have the ability to transfer funds to other programs and budget units
6 within the Judicial Branch. Any funds transferred to other budget units within the Judicial
7 Branch may be used to support any activity, program, or operation of the budget unit or
8 program receiving the respective funds.

9 8. **Appropriations Revisions:** Proposed revisions to Restricted Funds and
10 Federal Funds appropriations in this Act shall be made and reported pursuant to KRS
11 48.630(10). The Director of the Administrative Office of the Courts shall notify on a
12 timely basis the Legislative Research Commission of the most current estimates of
13 anticipated receipts for the affected fiscal year and an accompanying statement which
14 explains such variations from the anticipated amount.

15 9. **Maximum Salary of Trial Commissioners:** Notwithstanding KRS
16 24A.100(3), funds are included to continue the statutory maximum salary of trial
17 commissioners as provided for in the Judicial Branch Budget Recommendation.

18 **PART IV**

19 **BUDGET REDUCTION OR SURPLUS EXPENDITURE PLAN**

20 The Judicial Branch shall participate in any Budget Reduction Plan or Surplus
21 Expenditure Plan in accordance with the provisions of KRS Chapter 48.