



GENERAL ASSEMBLY

COMMONWEALTH OF KENTUCKY

2012 REGULAR SESSION

HOUSE BILL NO. 269

AS ENACTED

FRIDAY, MARCH 30, 2012

RECEIVED AND FILED

DATE April 11, 2012
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ALISON LUNDERGAN GRIMES
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY

Mary Sue Helton

1 AN ACT making appropriations for the operations, maintenance, support, and
 2 functioning of the Judicial Branch of the government of the Commonwealth of Kentucky
 3 and its various officers, boards, commissions, subdivisions, and other state-supported
 4 activities.

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

6 →Section 1. The Judicial Branch Budget is as follows:

7 **PART I**

8 **OPERATING BUDGET**

9 **(1) Funds Appropriations:** There is appropriated out of the General Fund,
 10 Restricted Funds accounts, or Federal Funds accounts for the fiscal year beginning July 1,
 11 2012, and ending June 30, 2013, and for the fiscal year beginning July 1, 2013, and
 12 ending June 30, 2014, the following sums to be used for the purposes of the Judicial
 13 Branch of the government of the Commonwealth of Kentucky, including the Supreme
 14 Court, Court of Appeals, Circuit Court, Family Court, District Court, the Administrative
 15 Office of the Courts, Judicial Retirement, Local Facilities Fund, Local Facilities Use
 16 Allowance Contingency Fund, and for services performed by the Circuit Court Clerks'
 17 offices, including both Circuit and District Court support.

18 **1. Court of Justice**

19 **a. Court Operations and Administration**

	2012-13	2013-14
21 General Fund	183,136,500	186,162,200
22 Restricted Funds	46,000,000	44,000,000
23 Federal Funds	2,956,300	2,955,900
24 TOTAL	232,092,800	233,118,100

25 **(1) Pretrial Officers:** Included in the above General Fund appropriation is
 26 \$2,116,200 in fiscal year 2012-2013 and \$2,054,900 in fiscal year 2013-2014 for
 27 pretrial officers.

1 **(2) Funds Carry Forward:** Notwithstanding KRS 45.229, any unexpended
 2 balance remaining at the close of fiscal year 2011-2012 shall not lapse and shall continue
 3 into fiscal year 2012-2013, and any unexpended balance remaining at the close of fiscal
 4 year 2012-2013 shall not lapse and shall continue into fiscal year 2013-2014.

5 **(3) Civil Filing Fees:** Pursuant to its authority, if the Supreme Court retains the
 6 increases in civil filings fees that were effective in 2008, the additional income resulting
 7 from the fee increases, not to exceed \$5,000,000 in each fiscal year of the biennium, shall
 8 be deposited into a trust and agency account for court operations. Any revenue generated
 9 by these increases in excess of the \$5,000,000 in each fiscal year of the biennium shall be
 10 deposited into the General Fund.

11 **(4) Night Court in Jefferson County:** The Administrative Office of the Courts
 12 shall continue the operations and current schedule of night court in Okolona and
 13 Middletown in Jefferson County in fiscal year 2012-2013 and fiscal year 2013-2014.

14 **b. Local Facilities Fund**

	2012-13	2013-14
15 General Fund	121,575,000	117,500,000

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

22 **(2) Furniture and Equipment:** Included in the above General Fund
 23 appropriation is \$4,075,000 in fiscal year 2012-2013 for furniture and equipment for five
 24 authorized projects of Campbell, Franklin, Pike, Bracken, and Lawrence Counties that
 25 will be complete in fiscal year 2012-2013.

26 **(3) Funds Carry Forward:** Notwithstanding KRS 45.229, any unexpended
 27 balance remaining at the close of fiscal year 2011-2012 shall not lapse and shall continue

1 into fiscal year 2012-2013, and any unexpended balance remaining at the close of fiscal
 2 year 2012-2013 shall not lapse and shall be continued into fiscal year 2013-2014.

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

6 **c. Local Facilities Use Allowance Contingency Fund**

	2012-13	2013-14
7 General Fund	-0-	-0-

9 **(1) Funds Carry Forward:** Notwithstanding KRS 45.229, any unexpended
 10 balance remaining at the close of fiscal year 2011-2012 shall not lapse and shall continue
 11 into fiscal year 2012-2013, and any unexpended balance remaining at the close of fiscal
 12 year 2012-2013 shall not lapse and shall continue into fiscal year 2013-2014 to provide
 13 for cost overruns in authorized court facilities projects not to exceed 15 percent of the use
 14 allowance in accordance with KRS Chapter 26A.

15 **TOTAL - COURT OF JUSTICE**

	2012-13	2013-14
16 General Fund	304,711,500	303,662,200
17 Restricted Funds	46,000,000	44,000,000
18 Federal Funds	2,956,300	2,955,900
19 TOTAL	353,667,800	350,618,100

21 **2. Judicial Retirement System**

	2012-13	2013-14
22 General Fund	11,499,600	11,939,800

24 **(1) Judicial Retirement Benefits:** Included in the above General Fund
 25 appropriation is \$11,009,300 in fiscal year 2012-2013 and \$11,437,400 in fiscal year
 26 2013-2014 for contributions to the Judicial Retirement System.

27 **(2) Pension Benefit Increase:** Notwithstanding KRS 21.405(5), no pension

1 benefit increase shall be granted to recipients of a retirement allowance under KRS
2 21.345 to 21.570 on July 1, 2012, or July 1, 2013.

3 **TOTAL - OPERATING BUDGET**

4		2012-13	2013-14
5	General Fund	316,211,100	315,602,000
6	Restricted Funds	46,000,000	44,000,000
7	Federal Funds	2,956,300	2,955,900
8	TOTAL	365,167,400	362,557,900

9 **PART II**

10 **CAPITAL PROJECTS BUDGET**

11 **(1) Authorization of Capital Projects:** It is the intent of the General Assembly
12 that any capital project proposed by any state government entity, including the agencies
13 and subdivisions of the Court of Justice, shall be authorized by the General Assembly
14 prior to the project's financing and construction, in accordance with KRS 7A.010,
15 7A.120, 45.750, 45.760, 45.763, 45.765, and 48.110. Pursuant to KRS 45.760(1), the
16 amount allotted, from all sources, for expenditure on any capital project, including leases
17 as defined by KRS 45.750, shall not exceed the estimated cost as shown in this Act.

18 **(2) Capital Projects and Bond Oversight Committee:** Capital construction
19 projects and major items of equipment that are not specifically listed in this Act may be
20 authorized only after submission of the project to the Capital Projects and Bond
21 Oversight Committee and in accordance with the other requirements of KRS 45.760(7).
22 Moneys may be transferred to the allotment account of any capital project only after
23 submission of the project to the Capital Projects and Bond Oversight Committee and in
24 accordance with the other requirements of KRS 45.760(6). As required by KRS 45.760,
25 all capital construction items authorized in this Act shall be constructed in accordance
26 with this Act, supporting documentation considered by the General Assembly, and
27 Judicial Branch budget records. Any modifications to the scope of a capital construction

1 project or to a lease shall be reported to the Capital Projects and Bond Oversight
 2 Committee before execution.

3 Budget Unit	2011-12	2012-13	2013-14
4 1. Court Operations and Administration			
5 001. Renovation of Office Space - 1001 Vandalay Drive			
6 Restricted Funds	6,000,000	-0-	-0-

7 **2. Local Facilities Projects**

8 **(1) Court Facility Planning Process:** The county shall require the Project
 9 Development Board to hire a certified architect not otherwise involved with the project to
 10 conduct an independent feasibility study to determine whether the needs of the
 11 community and the Court of Justice can best be met through the construction of a
 12 freestanding building, or through an addition and/or renovation of the existing court
 13 facility. The cost for this study shall be an accepted and approved portion of the planning
 14 process, and shall be eligible for reimbursement from the bond proceeds.

15 **3. Lease Authorizations**

16 **001** Franklin County - Lease - Office Space - Mill Creek Park

17 **002.** Franklin County - Lease - Court of Appeals

18 **003.** Jefferson County - Lease - Parking

19 **004.** Franklin County - Lease - Office Space - Vandalay Drive

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

22 **(2) Local Facilities Use Allowance Contingency Fund:** For any court facility
 23 project which is occupied and use allowance funding is insufficient, the use allowance
 24 payments shall be approved from the Local Facilities Use Allowance Contingency Fund.
 25 If funds are not available in the Local Facilities Use Allowance Contingency Fund, the
 26 Chief Justice may transfer funds from other Judicial Branch accounts in accordance with
 27 Part III, General Provisions, Section 7 of this Act to make the necessary payments.

TOTAL - JUDICIAL BRANCH BUDGET			
	2012-13	2013-14	
1			
2			
3	General Fund	316,211,100	315,602,000
4	Restricted Funds	46,000,000	44,000,000
5	Federal Funds	2,956,300	2,955,900
6	TOTAL	365,167,400	362,557,900

PART III

GENERAL PROVISIONS

9 **1. Expenditure Authority:** The Director of the Administrative Office of the
10 Courts, with the approval of the Chief Justice, may expend any of the funds appropriated
11 for court operations and administration in any lawful manner and for any legal purpose
12 that the Chief Justice shall authorize or direct. All expenditures shall conform with Part
13 III, General Provisions, Section 7 of this Act. No executive agency of state government
14 shall have the power to restrict or limit the expenditure of funds appropriated to the
15 Judicial Branch of government.

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

20 **3. Duplicate Appropriations:** Any appropriation item and sum in this Act and
21 in an appropriation provision in another Act of the 2012 Regular Session of the General
22 Assembly which constitutes a duplicate appropriation shall be governed by KRS 48.312.

23 **4. Priority of Individual Appropriations:** KRS 48.313 shall control when a
24 total or subtotal figure in this Act conflicts with the sum of the appropriations of which it
25 consists.

26 **5. Carry Forward of Restricted and Federal Funds:** Notwithstanding KRS
27 45.229, any unexpended balance remaining in the Court's Restricted Funds accounts or

1 Federal Funds accounts at the close of the fiscal years ending June 30, 2012, and June 30,
2 2013, shall not lapse and shall continue into the next fiscal year.

3 **6. Final Budget Document:** The Chief Justice shall cause the Director of the
4 Administrative Office of the Courts to prepare a final budget document reflecting the
5 2012-2014 biennial budget of the Court of Justice. A copy shall be provided to the
6 Legislative Research Commission and an informational copy shall be furnished to the
7 Finance and Administration Cabinet within 60 days of the adjournment of the 2012
8 Regular Session of the General Assembly.

9 **7. Transferability of Funds:** The Chief Justice of the Commonwealth of
10 Kentucky may transfer funds among three appropriation units within the Judicial Branch.
11 These are: Court Operations and Administration, Local Facilities Fund, and Local
12 Facilities Use Allowance Contingency Fund. The Chief Justice may transfer funds from
13 any appropriation unit to a capital project, lease, or lease-purchase only if that capital
14 project, lease, or lease-purchase has been authorized by the General Assembly.

15 **8. Appropriations Revisions:** Proposed revisions to Restricted Funds and
16 Federal Funds appropriations in this Act shall be made and reported pursuant to KRS
17 48.630(10). The Director of the Administrative Office of the Courts shall notify on a
18 timely basis the Legislative Research Commission of the most current estimates of
19 anticipated receipts for the affected fiscal year and an accompanying statement which
20 explains variations from the anticipated amount.

21 **9. Maximum Salary of Trial Commissioners:** Notwithstanding KRS
22 24A.100(3), funds are included to continue the statutory maximum salary of trial
23 commissioners as provided for in the Judicial Branch Budget Recommendation.

24 **10. Purchases of Prison-Made Products:** On and after July 1, 2012, all local
25 court facilities projects authorized by the General Assembly shall conform with KRS
26 197.210(1)(a).

27 **11. Issuance of Paychecks to Employees:** Notwithstanding 101 KAR 2:095,

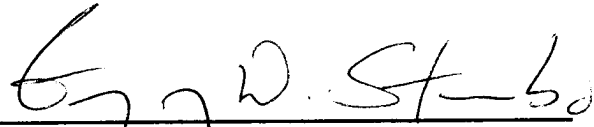
1 Section 10, the state payroll that would normally be scheduled to be paid on June 30,
2 2013, and June 30, 2014, shall not be issued prior to July 1, 2013, and July 1, 2014.

3 **12. Transfer of Payroll Funds:** Funds equal to the amount of the state payroll
4 that would normally be scheduled to be paid on June 30, 2012, but will be paid on July 1,
5 2012, pursuant to 2010 Ky. Acts ch. 154, Part I, 1., a., (2), shall be transferred to the
6 General Fund Surplus Account (KRS 48.700) on June 30, 2012.

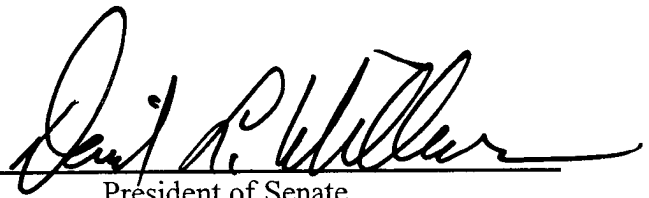
7 **PART IV**

8 **BUDGET REDUCTION OR SURPLUS EXPENDITURE PLAN**

9 The Judicial Branch may participate in any Budget Reduction Plan or Surplus
10 Expenditure Plan in accordance with the provisions of KRS Chapter 48.

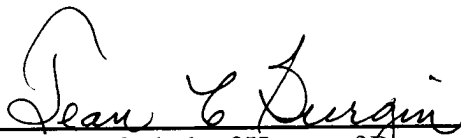


Speaker-House of Representatives



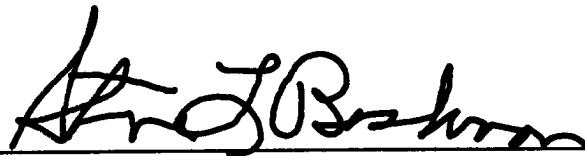
President of Senate

Attest:



Chief Clerk of House of Representatives

Approved



Governor

Date

4-11-12