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:

➔Section 1. The Judicial Branch Budget is as follows:

PART I

OPERATING BUDGET

(1) Funds Appropriations: Notwithstanding KRS 48.110, 48.120(4), 48.300, and any statute to the contrary, there is appropriated out of the General Fund, Restricted Funds accounts, or Federal Funds accounts for the fiscal year beginning July 1, 2020, and ending June 30, 2021, 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 Court Clerks' offices, including both Circuit and District Court support.

A. JUDICIAL BRANCH

Budget Units

1. Court of Justice

a. Court Operations and Administration

	2020-21	**2021-22**
General Fund	270,755,000	-0-
Restricted Funds	52,343,600	-0-
Federal Funds	3,190,000	-0-
TOTAL	326,288,600	-0-

(1) Defined Calculations: Included in the above General Fund appropriation is

$1,045,800 in fiscal year 2020-2021 to provide funds for the increase in the employer cost of health and life insurance and the employer cost of retirement.

(2) Civil Filing Fees: Pursuant to its authority, if the Supreme Court retains the increases in civil filing fees that were effective in 2008 and 2018, the additional income resulting from the fee increases, not to exceed $15,468,100 in fiscal year 2020-2021, shall be deposited into a trust and agency account for court operations and salaries for non-elected personnel. Any revenue generated by these increases in excess of the $15,468,100 in fiscal year 2020-2021 shall be deposited into the General Fund.

(3) Night Court in Jefferson County: The Administrative Office of the Courts shall continue the operations and current schedule of night court in Okolona and Middletown in Jefferson County in fiscal year 2020-2021 if the Court of Justice does not incur any costs.

~~[(4) Circuit Clerk Expense Allowance: Notwithstanding KRS 64.058, each Circuit Clerk shall receive an expense allowance of $2,400 annually, at the rate of $200 per month, in fiscal year 2020-2021.]~~

(5) Salary Increment: Notwithstanding KRS 64.480(2), no salary adjustments are provided on the base salary or wages of the Clerk of the Supreme Court.

b. Local Facilities Fund

	2020-21	**2021-22**
General Fund	114,514,200	-0-

(1) Local Facility Projects: Included in the above General Fund appropriation is $2,345,700 in fiscal year 2020-2021 to support the use allowance, operating, and non-recurring furniture and equipment costs for two judicial center projects authorized by the 2018 General Assembly.

(2) Maintenance Pool: Included in the above General Fund appropriation is $3,000,000 in fiscal year 2020-2021 to create a maintenance pool for planned and unanticipated non-capital projects for local courthouses and judicial centers.

(3) Local Court Facility Compensation: Included in the above General Fund 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.

(4) Use Allowance Payments to Counties: Pursuant to KRS 26A.090(2), beginning with court facility construction or renovation projects authorized by the 2000 Regular Session of the General Assembly and all subsequent court facility projects, use allowance payments are restricted to the court's proportional share of the annual principal and interest costs in connection with the construction or renovation of the facility, not to exceed the authorized annual use allowance.

(5) Court Facility Maintenance Fund: (a) Notwithstanding KRS 26A.090(2), when there is no debt on court facility construction or renovation projects authorized prior to the 2000 Regular Session of the General Assembly, use allowance is restricted to compensation equal to two percent annually of capital costs to be paid to the county unit of government and two percent annually to be retained by the Administrative Office of the Courts and directed to a separate fund specifically for maintenance of court facilities.

(b) The fund created pursuant to paragraph (a) of this subsection shall be used for routine, ongoing, planned, and unanticipated maintenance for court facilities.

c. Local Facilities Use Allowance Contingency Fund

	2020-21	**2021-22**
General Fund	-0-	-0-

(1) Funds Carry Forward: Notwithstanding KRS 45.229, any unexpended balance remaining at the close of fiscal year 2019-2020 shall not lapse and shall continue into fiscal year 2020-2021 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

	2020-21	**2021-22**
General Fund	385,269,200	-0-
Restricted Funds	52,343,600	-0-
Federal Funds	3,190,000	-0-
TOTAL	440,802,800	-0-

2. Judicial Retirement System

	2020-21	**2021-22**
General Fund	7,147,500	-0-

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

(2) Administrative Expenses: Pursuant to KRS 21.540, administrative expenses shall be paid out of an administrative account which shall be funded by transfers of the necessary moneys, in appropriate ratio, from the funds provided for in KRS 21.550 and 21.560.

(3) Pension Benefit Increase: Notwithstanding KRS 21.405(5), no pension benefit increase shall be granted to recipients of a retirement allowance under KRS 21.345 to 21.580 on July 1, 2020, or July 1, 2021.

TOTAL - JUDICIAL BRANCH

	2020-21	**2021-22**
General Fund	392,416,700	-0-
Restricted Funds	52,343,600	-0-
Federal Funds	3,190,000	-0-
TOTAL	447,950,300	-0-

PART II

CAPITAL PROJECTS BUDGET

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

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

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

(4) Deferred Funding: (a) General Fund support to provide operating costs

totaling $2,053,500, annualized use allowance payments totaling $13,313,300, and nonrecurring furniture and equipment costs of $3,575,000 for Barren, Butler, Clinton, Crittenden, Jessamine, and Scott Counties is deferred to the 2022-2024 fiscal biennium.

(b) It is the intent of the General Assembly that all projects in paragraph (a) of this subsection shall be funded using resources previously appropriated for projects that no longer require use allowance debt payments in the 2022-2024 fiscal biennium.

(5) 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 Chief Justice may transfer funds from other Judicial Branch accounts in accordance with Part III, General Provisions, Section 7. of this Act to make the necessary payments.

(6) Edmonson County Courthouse Additional Parking Lot: (a) General Fund support of $70,800 in fiscal year 2020-2021 is contained in the Local Facilities Fund for an additional parking lot in Brownsville. This funding shall be contingent upon the local unit of government contributing $20,000 towards the completion of the additional parking lot.

(b) Notwithstanding any statute to the contrary, any unexpended balance from the appropriation set forth in paragraph (a) of this subsection shall be transferred to the Budget Reserve Trust Fund Account (KRS 48.705).

A. JUDICIAL BRANCH

Budget Units

1. Local Facilities Fund

Project	**Project Scope**
001. Barren	31,615,000
002. Butler	11,860,000
003. Clinton	17,435,000

004. Crittenden 11,965,000

005. Jessamine 28,440,000

006. Scott 37,330,000

2. Lease Authorizations

001. Franklin County - Lease - Court of Appeals

002. Jefferson County - Lease - Parking

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 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 2020 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 Funds: Notwithstanding KRS 45.229, any unexpended balance remaining at the close of the fiscal years ending June 30, 2020, and June 30, 2021, shall not lapse and shall continue into the next fiscal year.

6. Final Budget Document: The Director of the Administrative Office of the Courts shall prepare a final budget document reflecting the 2020-2022 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 2020 Regular Session of the General Assembly.

7. 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.

8. Appropriations Revisions: Notwithstanding KRS 48.630(10), no revisions for unbudgeted Restricted Funds appropriations for expenditure shall be allotted or expended that have not been appropriated in any enacted branch budget bill or without the express authority of the General Assembly. Proposed revisions to unbudgeted Federal Funds appropriations for expenditure in this Act shall be made and reported to the Interim Joint Committee on Appropriations and Revenue. 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 variations from the anticipated amount.

9. Issuance of Paychecks to Employees: Notwithstanding 101 KAR 2:095, Section 10, the state payroll that would normally be scheduled to be paid on June 30, 2020, June 30, 2021, and June 30, 2022, shall not be issued prior to July 1, 2020, July 1, 2021, and July 1, 2022, respectively.

10. Maximum Salary of Trial Commissioners: Pursuant to KRS 24A.100(3), no trial commissioner shall be compensated at a rate greater than $7,200. No funding is provided for trial commissioners commissioned in counties with a residing District Judge.

11. Authorized Personnel Complement: On July 1, 2020, the Administrative

Office of the Courts shall establish a record for each budget unit of authorized permanent full-time and other positions based upon the enacted Judicial Budget of the Commonwealth and any adjustments authorized by provisions in this Act. The total number of filled permanent full-time and all other positions shall not exceed the authorized complements pursuant to this section. The Director of the Administrative Office of the Courts may request an increase in the number of authorized positions to the Chief Justice. Upon approval, the Administrative Office of the Courts may authorize the employment of individuals in addition to the authorized complement. A report of the actions authorized in this section shall be provided to the Interim Joint Committee on Appropriations and Revenue on a monthly basis.

12. Debt Restructuring: Notwithstanding any other provision of the Kentucky Revised Statutes, use allowance payments shall not be amended to reflect debt restructuring transactions undertaken by a county during the 2020-2022 fiscal biennium.

13. Court Facility Maintenance Fund Report: For each of the periods ending June 30, 2020, and June 30, 2021, the Director of the Administrative Office of the Courts shall prepare a court facility maintenance report. This report shall detail all court facility maintenance undertaken by the Court of Justice, to include any cost-sharing with counties, as well as detail regarding future maintenance needs. This report shall include a statewide expenditure summary followed by individual county expenditures detailing the state's and county's respective share of expenditures. The Administrative Office of the Courts shall provide this report to the Interim Joint Committee on Appropriations and Revenue by September 15 of each fiscal year.

14. Biennial Audits: ~~[(1) The Court of Justice shall obtain a biennial, external financial audit of all funds and accounts under its administration. Each audit shall be conducted in accordance with Generally Accepted Government Auditing Standards.~~

~~(2) The selected accountant shall forward a copy of the audit report and management letters to the Auditor of Public Accounts and the Interim Joint Committee~~

~~on Appropriations and Revenue within 60 days of the completion of each audit.]~~

(3) The Auditor of Public Accounts shall have the right to review, upon request, the accountant's work papers~~[for the report required in subsection (2) of this section]~~.

15. Budgetary Restructuring: The Court of Justice is hereby notified that it is the intent of the General Assembly that, beginning with the 2022-2024 biennium, the Court of Justice shall establish new appropriation units specific to the Supreme Court, Court of Appeals, Circuit Court, Family Court, District Court, Administrative Office of the Courts, Judicial Retirement, Local Facilities Fund, Local Facilities Use Allowance Contingency Fund, and for services performed by the Circuit Court Clerks' offices. The Court of Justice shall also begin tracking expenditures by location for each of the new appropriation units identified herein.

~~[16. Employee Layoffs, Furloughs, and Reduced Hours: Notwithstanding any statute to the contrary, the following process and procedure is established for July 1, 2020, through June 30, 2021, in the event that the Chief Justice determines that it is desirable for the Court of Justice to layoff, furlough, or reduce hours of employees:~~

~~(1) For the purposes of this section:~~

~~(a) "Appointing authority" means the Chief Justice, in his or her capacity as provided in KRS 27A.010, or any agent whom he or she has delegated to act on his or her behalf with respect to employee appointments, position establishments, payroll documents, reemployment requests, waiver requests, requests for certification, or other position actions for the Court of Justice;~~

~~(b) "Furlough" or "reduction in hours" means the temporary reduction of hours an employee is scheduled to work by the appointing authority within a pay period;~~

~~(c) "Layoff" means discharge of employment subject to the rights contained in this section; and~~

~~(d) "Employees" includes all persons employed by the Court of Justice;~~

~~(2) Upon an order by the Chief Justice, an appointing authority has the authority~~

~~to layoff or furlough employees or reduce hours of employment for any of the following reasons:~~

~~(a) Lack of funds or budgetary constraints;~~

~~(b) A reduction in the agency's spending authorization;~~

~~(c) Lack of work;~~

~~(d) Abolishment of a position; or~~

~~(e) Other material change in duties or organization;~~

~~(3) The appointing authority shall determine the job classifications affected and the number of employees laid-off in each classification and each county to which a layoff applies. In the same department or office, county, and job classification, interim and probationary employees shall be laid-off before any full-time or part-time employees with status are laid-off. For purposes of layoff, "probationary employee" does not include an employee with status serving a promotional probation;~~

~~(4) The Chief Justice shall approve and implement all actions taken under subsection (2) of this section and no such layoff, furlough, or reduction of hours may begin until such approval has been granted. The Chief Justice has the authority to determine the extent, effective dates, and length of any action taken under subsection (2) of this section;~~

~~(5) In determining the employees to be laid-off, the appointing authority shall consider all employees under the same appointing authority, within the job classification affected, and within the county affected. Consideration shall be given to the following relevant factors:~~

~~(a) Job performance evaluations;~~

~~(b) Seniority;~~

~~(c) Education, training, and experience; and~~

~~(d) Disciplinary record;~~

~~(6) Any employee whose position is subject to layoff, furlough, or reduction of~~

~~hours shall be provided written notice containing the reason for the action as set forth in subsection (2) of this section at least 15 days in advance of the effective date of the action;~~

~~(7) Any tenured employee who is laid-off shall be eligible to apply as a reemployment applicant for positions with the same job classification in the Court of Justice. For a period of two years, a reemployment applicant shall be hired before any applicant except another reemployment applicant with greater seniority who is on the same reemployment list. When a reemployment applicant is removed from a reemployment list, he or she shall be notified in writing. A reemployment applicant who accepts another Court of Justice position, tenured or non-tenured, or who retires, shall cease to have eligibility rights as a reemployment applicant;~~

~~(8) The appointing authority may place employees subject to a reduction in force;~~

~~(9) Furloughs or reduction of hours during a pay period shall not result in the loss of eligibility for any benefit otherwise due the employee;~~

~~(10) The appointing authority shall have the authority to promulgate comprehensive administrative regulations governing this section; and~~

~~(11) A layoff, furlough, or reduction of hours implemented in accordance with this section shall not be considered a penalization of the employee.]~~

17. Unexpended Use Allowance: Notwithstanding any provision of the Kentucky Revised Statutes, any General Fund moneys appropriated for project-related expenses or use allowance payments in fiscal year 2020-2021 that are not expended specifically for project-related expenses or use allowance payments in fiscal year 2020-2021 shall be transferred to the Budget Reserve Trust Fund Account (KRS 48.705).

18. Public Health Emergency: For the duration of the Governor's declaration of a State of Emergency in response to the novel coronavirus (COVID-19), the Chief Justice of the Commonwealth is authorized to declare a Judicial Emergency to protect the health and safety of court employees, elected officials, and the general public. A Judicial

Emergency shall extend any administrative actions deadlines, and statutory timelines and statutes of limitations for court filings and proceedings, including but not limited to KRS 446.030, 500.050, and Chapters 342, 376, 403, 413, 456, and 620. The extensions provided herein shall be effective until 30 days after the emergency order of the Chief Justice or the Governor ends, whichever is later. This provision shall apply both prospectively and retroactively.

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 KRS Chapter 48, except that obligations essential to the constitutional duties and use allowance of the Judicial Branch shall be exempt from any Budget Reduction Plan. The level of participation in a Budget Reduction Plan shall be at the discretion of the Chief Justice and shall not exceed the actual percentage of revenue shortfall.