

A Bill for an Act Relating to the Judiciary.

*Be It Enacted by the Legislature of the State of Hawaii:*

PART I. GENERAL PROVISIONS

SECTION 1. This Act shall be known as the Judiciary Appropriations Act of 1991.

SECTION 2. Unless otherwise clear from the context, as used in this Act:

(a) "Program ID" means the unique identifier for the specific program, and consists of the abbreviations for the judiciary (JUD) followed by a designated number for the program.

(b) "Means of Financing," or "MOF," means the source from which funds are appropriated or authorized, as the case may be, to be expended for the programs and projects specified in this Act. All appropriations are followed by letter symbols. Such letter symbols, where used, shall have the following meanings:

- A General fund
- B Special fund
- N Other federal funds
- C General obligation bond fund

(c) "Position ceiling" means the maximum number of permanent positions authorized for a particular program during a specified period or periods, as noted by an asterisk.

PART II. PROGRAM APPROPRIATIONS

SECTION 3. The following sums, or so much thereof as may be sufficient to accomplish the purposes and programs designated herein, are appropriated or authorized from the sources of funding specified to the judiciary for the fiscal biennium beginning, July 1, 1991, and ending June 30, 1993. The total expenditures and the number of permanent positions established in each fiscal year shall not exceed the sums and the position ceilings indicated for each year, except as provided in this Act.

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS			
				FISCAL YEAR 1991-92	M O F	FISCAL YEAR 1992-93	M O F
The Judicial System							
1.	JUD101 - COURTS OF APPEAL						
		OPERATING	JUD	69.00 *		69.00 *	
				4,206,160 A		4,281,628 A	
2.	JUD111 - CIRCUIT COURTS						
		OPERATING	JUD	489.50 *		493.50 *	
				22,220,943 A		22,794,273 A	

## PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS			
				FISCAL YEAR 1991-92	M O F	FISCAL YEAR 1992-93	M O F
3.	JUD112	FAMILY COURTS					
		OPERATING	JUD	397.50 *		401.50 *	
				23,787,140 A		24,676,441 A	
4.	JUD121	DISTRICT COURTS					
		OPERATING	JUD	500.50 *		501.50 *	
				15,848,418 A		15,967,715 A	
		JUD		54.00 *		54.00 *	
				1,650,001 B		1,642,457 B	
5.	JUD201	ADMIN. DIRECTOR SERVICES					
		OPERATING	JUD	234.50 *		237.50 *	
		INVESTMENT CAPITAL	JUD	14,865,489 A		15,402,985 A	
				39,747,000 C		4,300,000 C	

SECTION 4. Provided that whenever the expending program of the judiciary, to which an appropriation is made, is changed due to legislation enacted during any session of the legislature which affects the appropriations made by this Act, the chief justice shall transfer the necessary funds and positions to the proper expending program; provided further that a report identifying all transfers implemented during the previous fiscal year shall be submitted to the legislature twenty days prior to the convening of each regular session.

SECTION 5. Provided that whenever the need arises, the chief justice, in administering an equitable and expeditious judicial process, is authorized to transfer sufficient funds and positions between programs for research and development and operating purposes; provided further that such transfer shall not be made to implement any collective bargaining contracts signed after this legislature adjourns sine die; provided further that a report identifying all transfers implemented during the previous fiscal year shall be submitted to the legislature twenty days prior to the convening of each regular session.

SECTION 6. Provided that where the chief justice or any agency or any government unit is able to secure federal funds or other property made available under any act of Congress, or any funds or other property from private organizations or individuals which are to be expended in connection with any program or works authorized by this Act, or otherwise, the chief justice or agency with the chief justice's approval shall have the power to enter into such undertaking with the proper offices or agencies of the federal government or private organizations or individuals; provided further that while most federal aid allocations are known and state matching funds are provided in this Act, in such instances where programs for which federal-state cost sharing is not yet determined, the availability of federal funds shall be construed as a proportionate reduction of state costs whenever possible.

SECTION 7. Provided that the judiciary is authorized to transfer savings from its general fund appropriation to the driver education special fund to accommodate any temporary cash flow deficits; provided further that a report of all transfers for the prior fiscal year shall be submitted to the legislature twenty days prior to the convening of each regular session.

SECTION 8. Provided that whenever the expending program of the judiciary, to which a general fund appropriation is made, finds it necessary to purchase computer-related equipment, savings from the program may be used for such purpose; provided further that all equipment purchases be reviewed by the chief information officer or the chief information officer's designate; provided further that a report identifying all such expenditures with a stated purpose of equipment purchase during the previous fiscal year shall be submitted to the legislature twenty days prior to the convening of the 1992 regular session and each regular session thereafter.

SECTION 9. Provided that whenever the expending program of the judiciary to which a general fund appropriation is made finds it necessary to attend off-island educational or training conferences, meetings, or classes, savings from the program may be used for such purpose; provided further that all non-intrastate training shall first be approved by the chief justice or the chief justice's designate; provided further that a report identifying all such expenditures with stated purpose of trip during the previous fiscal year shall be submitted to the legislature twenty days prior to the convening of the 1992 regular session and each regular session thereafter.

SECTION 10. Provided that, in order to ensure the efficient expenditure of funds, the judiciary shall submit a report to the legislature containing a detailed breakdown for each program reflecting funds expended for services on fees, and all service contracts for the prior fiscal year; provided further that the total amount of the contract fees and services on fees reflected in the report shall correspond to the amount of each line item shown on the budget details table; provided further that the report shall be submitted to the legislature twenty days prior to the convening of each regular session.

SECTION 11. Provided that, in order to ensure the efficient expenditure of funds, the judiciary shall submit a report to the legislature containing a detailed breakdown for each program reflecting funds expended for all computer hardware and software for the prior fiscal year; provided further that the report shall be submitted to the legislature twenty days prior to the convening of each regular session.

SECTION 12. Provided that of the general fund appropriation for administrative services (JUD 201), the sum of \$263,943 in fiscal year 1991-92 and \$267,615 in fiscal year 1992-93 shall be expended to establish the following three positions: one Judicial Education Officer; one Judicial Education Staff Assistant; and one Clerk Typist III; provided further that these positions shall be responsible for establishing a Judicial Education Office. The functions of the Judicial Education Office shall include, but not be limited to, instituting a comprehensive and structured program for judicial orientation, continuing education, and training in the state court system.

### PART III. CAPITAL IMPROVEMENT PROJECTS

SECTION 13. The sum of \$44,047,000 appropriated or authorized in PART II of this Act for capital investment shall be expended for the projects listed below. Several related or similar projects may be combined into a single project, if such a combination is advantageous or convenient, for planning, land

acquisition, design, and construction purposes; provided that the total cost of the projects thus combined shall not exceed the total of the sum specified for the projects separately. The amount after each cost element and the total funding for each project listed in this Part are in thousands of dollars and are to be expended by the judiciary.

## CAPITAL IMPROVEMENT PROJECTS

				APPROPRIATIONS (IN 000's)			
ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	FISCAL YEAR 1991-92	M O F	FISCAL YEAR 1992-93	M O F
The Judicial System							
JUD201 - ADMIN. DIRECTOR SERVICES							
1. HILO JUDICIARY COMPLEX, HAWAII							
DESIGN AND CONSTRUCTION FOR A JUDICIARY COMPLEX IN HILO TO ACCOMMODATE THE CIRCUIT, FAMILY, AND DISTRICT COURTS.							
DESIGN				687			
CONSTRUCTION				37,000			
TOTAL FUNDING				JUD	37,687 C		C
2. FAMILY COURT CENTER, OAHU							
PLANS AND DESIGN FOR A FAMILY COURT CENTER ON OAHU.							
PLANS				100			
DESIGN						3,700	
TOTAL FUNDING				JUD	100 C	3,700 C	C
3. JUVENILE DETENTION CENTER, OAHU							
PLANS FOR A NEW JUVENILE DETENTION CENTER ON OAHU.							
PLANS				125			
TOTAL FUNDING				JUD	125 C		C
4. KAUAI JUDICIARY COMPLEX, KAUAI							
LAND ACQUISITION AND DESIGN FOR A NEW KAUAI JUDICIARY COMPLEX.							
LAND				450			
DESIGN				470			
TOTAL FUNDING				JUD	920 C		C
5. MOLOKAI DISTRICT COURT, MOLOKAI							
DESIGN FOR A NEW MOLOKAI DISTRICT COURT.							
DESIGN				215			
TOTAL FUNDING				JUD	215 C		C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's)			
				FISCAL YEAR 1991-92	M O F	FISCAL YEAR 1992-93	M O F
6.		REMODELING AND UPGRADING JUDICIARY BUILDINGS, STATEWIDE					
		DESIGN, CONSTRUCTION, AND EQUIPMENT FOR REMODELING AND UPGRADING JUDICIARY BUILDINGS, STATEWIDE.					
		DESIGN		75		75	
		CONSTRUCTION		500		500	
		EQUIPMENT		25		25	
		TOTAL FUNDING	JUD	600 C		600 C	
7.		NAALEHU DISTRICT COURT/MULTI-PURPOSE FACILITY, HAWAII					
		PLANS FOR A NEW NAALEHU DISTRICT COURT/MULTI-PURPOSE FACILITY, HAWAII					
		PLANS		100			
		TOTAL FUNDING	JUD	100 C			C

PART IV. CAPITAL IMPROVEMENT PROVISIONS

SECTION 14. Provided that the plans and design for the Family Court Center (JUD 201) shall also consider other alternative sites, including the Ewa/Kapolei area, as the permanent site for the new facility; provided further that the plans and possible alternatives shall be submitted to the legislature twenty days prior to the convening of the 1992 regular session.

SECTION 15. Provided that the plans for the Juvenile Detention Center (JUD 201) shall be coordinated with the Office of Youth Services (HMS 501) in conjunction with the Hawaii Youth Correctional Facility to ensure the necessary building requirements, proper facilities and construction schedules are incorporated into a uniform and efficient juvenile system; provided further that of the general obligation bond appropriations for the Juvenile Detention Center, the sum of \$50,000 shall be used to consider other alternative sites, including the Ewa/Kapolei area, as the permanent site for the new facility; provided further that the plans and possible alternatives shall be submitted to the legislature twenty days prior to the convening of the 1992 regular session.

SECTION 16. Any law to the contrary notwithstanding, the appropriation under Act 315, Session Laws of Hawaii 1989, Section 31, as amended and renumbered by Act 301, Session Laws of Hawaii 1990, Section 6, in the amount indicated or balance thereof, is hereby lapsed:

<u>Item Number</u>	<u>Amount (MOF)</u>
JUD 201-1	\$15,204,000 C

PART V. ISSUANCE OF BONDS

SECTION 17. General obligation bonds may be issued, as provided by

law, to yield the amount that may be necessary to finance projects authorized in Part II and listed in Part III of this Act, provided that the sum total of the general obligation bonds so issued shall not exceed \$44,047,000.

## PART VI. SPECIAL PROVISIONS

SECTION 18. Any law or any provision of this Act to the contrary notwithstanding, the appropriations made for capital investment projects authorized in Part II and listed in Part III of this Act shall not lapse at the end of the fiscal year for which the appropriation is made; provided that all appropriations made to be expended in fiscal biennium 1991-93 which are unencumbered as of June 30, 1994, shall lapse as of that date.

SECTION 19. The judiciary is authorized to delegate to other state or county agencies the acquisition of land, planning, design, and construction of any capital improvement project when it is determined by the judiciary that it is an advantage to do so.

SECTION 20. All unrequired balances, after the objectives of appropriations made in Part II for capital investment purposes from the general obligation bond fund and listed as projects in Part III have been met, shall be transferred to the judiciary project adjustment fund.

SECTION 21. In the event that the amount specified for a capital investment project listed in Part III is insufficient and where the source of funding for the project is designated as the general obligation bond fund, the chief justice may make supplemental allotments from the project adjustment fund; provided that such supplemental allotments shall not be used to increase the scope of the project; provided further that a report of such supplemental allotments and transfers for the period ending December 31 of each calendar year shall be made to the legislature by February 1 of the following calendar year.

SECTION 22. Where it has been determined that changed conditions, such as reduction in the particular population being served, permit the reduction in the scope of a project listed in Part III, the chief justice may authorize such reduction of project scope; provided that the scope of a project shall not be reduced merely because the appropriation for the project is insufficient.

SECTION 23. The chief justice shall determine when and the manner in which the authorized projects shall be initiated. The chief justice shall notify the governor from time to time of the specific amounts required for the projects, and the governor shall provide for such amounts through the issuance of bonds authorized in Part V.

SECTION 24. Any law or any provision to the contrary notwithstanding, the chief justice may supplement funds for any early-phased cost element for a capital improvement project authorized under this Act by transferring such sums as may be needed from the funds appropriated for later-phased cost elements for the same project authorized by the legislature in this Act or in a prior year or which may be authorized by the legislature in the future, provided that the total expenditure of funds for all cost elements for the project shall not exceed the total appropriations for that project.

**PART VII. MISCELLANEOUS PROVISIONS AND EFFECTIVE DATE**

**SECTION 25.** If any portion of this Act or its application to any person or circumstances is held to be invalid for any reason, then the legislature hereby declares that the remainder of the Act and each and every other provision thereof shall not be affected thereby. If any portion of a specific appropriation is held to be invalid for any reason, the remaining portion shall be independent of the invalid portion and such remaining portion shall be expended to fulfill the objective and intent of such appropriation to the extent possible.

**SECTION 26.** In the event manifest clerical, typographical, or other mechanical errors are found in this Act, the chief justice is authorized to correct such errors. All changes made pursuant to this section shall be reported to the legislature at its next session.

**SECTION 27.** This Act shall take effect on July 1, 1991.

(Approved June 26, 1991.)