

ACT 156

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 and may be cited as the Judiciary Appropriations Act of 1999.

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 abbreviation 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 funds
- B Special funds
- C General obligation bond funds
- N Other federal funds
- W Revolving funds

(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, 1999, and ending June 30, 2001. The total expenditures and the number of permanent positions established in each fiscal year of the fiscal biennium 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 1999-00	M O F	FISCAL YEAR 2000-01	M O F
The Judicial System							
1.	JUD101	COURTS OF APPEAL					
	OPERATING		JUD	76.00*		76.00*	
			JUD	4,633,053A		4,633,053A	
				75,000W		75,000W	
2.	JUD111	CIRCUIT COURTS					
	OPERATING		JUD	489.50*		493.50*	
				26,077,341A		26,041,957A	

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS			
				FISCAL YEAR 1999-00	M O F	FISCAL YEAR 2000-01	M O F
			JUD	212,602N			N
3.	JUD112 -	FAMILY COURTS					
	OPERATING		JUD	412.00*		416.00*	
			JUD	26,537,136A		26,683,470A	
			JUD	386,575B		386,575B	
4.	JUD121 -	DISTRICT COURTS					
	OPERATING		JUD	495.50*		495.50*	
			JUD	17,911,155A		17,878,430A	
			JUD	35.00*		35.00*	
			JUD	1,643,033B		1,617,033B	
5.	JUD201 -	ADMIN. DIRECTOR SERVICES					
	OPERATING		JUD	236.00*		236.00*	
			JUD	15,690,914A		15,438,872A	
			JUD	2,080,102B		2,188,937B	
	INVESTMENT CAPITAL		JUD	2,970,000C		30,900,000C	

PART III. PROGRAM PROVISIONS

SECTION 4. 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 operating purposes; provided that no transfer shall be made to implement any collective bargaining contract signed after this legislature adjourns sine die.

SECTION 5. Provided that if the chief justice, or any agency, or any government unit secures federal funds or other property 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 the agency with the chief justice's approval, shall have the power to enter into the undertaking with the federal government, private organization, or individual; and provided further that while most federal aid allocations are known and state matching funds are provided in this Act, in 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 6. Provided that of the general fund appropriation for circuit courts (JUD 111), \$50,000 shall be expended to establish and implement the alternatives to incarceration pilot program.

SECTION 7. Provided that of the general fund appropriation for circuit courts (JUD 111), \$70,867 shall be expended to continue phase II of the third circuit court video conferencing project.

SECTION 8. Provided that of the general fund appropriation for family court (JUD 112), \$60,000 shall be expended to provide prostitution intervention services for juveniles within the jurisdiction of the family court.

PART IV. CAPITAL IMPROVEMENTS PROGRAM PROJECTS

SECTION 9. The sum of \$33,870,000 appropriated or authorized in part II of this Act for capital improvements program projects shall be expended by the judiciary for the projects listed below; provided that several related or similar projects may be combined into a single project if a combination is advantageous or convenient for implementation; and provided further that the total cost of the projects thus combined shall not exceed the total of the sums 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.)

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's)			
				FISCAL YEAR 1999-00	M O F	FISCAL YEAR 2000-01	M O F
The Judicial System							
JUD201 - ADMIN. DIRECTOR SERVICES							
1.		FAMILY COURT AND JUVENILE DETENTION CENTER, OAHU					
		PLANS, LAND ACQUISITION, AND DESIGN FOR THE FAMILY COURT AND JUVENILE DETENTION CENTER AT KAPOLEI, OAHU.					
		PLANS			1		
		LAND			1		
		DESIGN			198		
		TOTAL FUNDING	JUD		200C		C
2.		KAUAI JUDICIARY COMPLEX, KAUAI					
		DESIGN AND CONSTRUCTION FOR A NEW JUDICIARY COMPLEX IN LIHUE, KAUAI.					
		DESIGN			40		
		CONSTRUCTION			755		30,000
		TOTAL FUNDING	JUD		795C		30,000C
3.		HOAPILI HALE UPGRADE IMPROVEMENTS, MAUI					
		DESIGN, CONSTRUCTION, AND EQUIPMENT FOR UPGRADE IMPROVEMENTS AT HOAPILI HALE IN WAILUKU, MAUI.					
		DESIGN			10		
		CONSTRUCTION			180		
		EQUIPMENT			10		
		TOTAL FUNDING	JUD		200C		C
4.		BACK-UP POWER FOR JUDICIARY COMPUTER CENTER, OAHU					
		PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR EMERGENCY ELECTRICAL POWER SYSTEMS FOR THE JUDICIARY COMPUTER CENTER AT KAUIKEAOULI, OAHU.					
		PLANS			5		
		DESIGN			45		15
		CONSTRUCTION					420
		EQUIPMENT					15
		TOTAL FUNDING	JUD		50C		450C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's)			
				FISCAL YEAR 1999-00	M O F	FISCAL YEAR 2000-01	M O F
5.		HILO STATE OFFICE BUILDING DISTRICT COURT INTERIOR ALTERNATIONS, HAWAII					
		PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR INTERIOR ALTERATIONS TO DISTRICT COURT OFFICES AT HILO, HAWAII.					
		PLANS			5		
		DESIGN			15		
		CONSTRUCTION			75		
		EQUIPMENT			5		
		TOTAL FUNDING	JUD		100C		C
6.		ARCHITECTURAL BARRIER REMOVAL FOR JUDICIARY BUILDINGS, STATEWIDE					
		PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR THE REMOVAL OF ARCHITECTURAL BARRIERS IN JUDICIARY BUILDINGS, STATEWIDE.					
		PLANS			1		1
		DESIGN			1		1
		CONSTRUCTION			897		447
		EQUIPMENT			1		1
		TOTAL FUNDING	JUD		900C		450C
7.		REMODELING AND UPGRADING JUDICIARY BUILDINGS, STATEWIDE					
		PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR REMODELING AND UPGRADING JUDICIARY BUILDINGS, STATEWIDE.					
		PLANS			5		
		DESIGN			70		
		CONSTRUCTION			415		
		EQUIPMENT			10		
		TOTAL FUNDING	JUD		500C		C
8.		HOOKELE COURT NAVIGATIONAL PROJECT, OAHU					
		PLANS, DESIGN, AND CONSTRUCTION FOR COURT CONCIERGE AND CUSTOMER SERVICE CENTERS WITHIN JUDICIARY BUILDINGS, OAHU.					
		PLANS			5		
		DESIGN			20		
		CONSTRUCTION			200		
		TOTAL FUNDING	JUD		225C		C

PART V. ISSUANCE OF BONDS

SECTION 10. 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 IV of this Act; provided that the sum total of the general obligation bonds so issued shall not exceed \$33,870,000.

PART VI. SPECIAL PROVISIONS

SECTION 11. Any law or any provision of this Act to the contrary notwithstanding, the appropriations made for capital improvements program projects autho-

rized in part II and listed in part IV of this Act shall not lapse at the end of the fiscal year for which the appropriations are made; provided that all appropriations made for fiscal year 1999-2000 and fiscal year 2000-2001 which are unencumbered as of June 30, 2002, shall lapse as of that date.

SECTION 12. The judiciary is authorized to delegate to other state or county agencies the planning, land acquisition, design, construction, and equipment of any capital improvements project when it is determined by the judiciary to be advantageous to do so.

SECTION 13. All unrequired balances in the general obligation bond fund, after the objectives of part II appropriations for capital improvements program purposes listed as projects in part IV have been met, shall be transferred to the judiciary project adjustment fund; provided that the judiciary shall submit a report of the legislature no later than thirty days prior to the convening of the 2000 and 2001 regular sessions.

SECTION 14. If the amount allocated from the general obligation bond fund for a capital improvements program project listed in part IV of this Act is insufficient, the chief justice may make supplemental allotments from the project adjustment fund; provided further that such supplemental allotments from the project adjustments fund shall not be used to increase the scope of the project; and provided further that the chief justice shall submit a report to the legislature no later than twenty days prior to the convening of the 2000 and 2001 regular sessions.

SECTION 15. 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 IV, the chief justice may authorize such reduction of project scope.

SECTION 16. The chief justice shall determine when and the manner in which the authorized capital improvements program 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 those amounts through the issuance of bonds authorized in part VI of this Act.

SECTION 17. Any law or any provision to the contrary notwithstanding, the chief justice may supplement funds for any cost element for a capital improvement project authorized under this Act by transferring such sums as may be needed from the funds appropriated for other cost elements of the same project by this Act or by any other prior or future act which have not lapsed, provided that the total expenditure of funds for all cost elements for the project shall not exceed the total appropriation for that project.

PART VII. MISCELLANEOUS PROVISIONS AND EFFECTIVE DATE

SECTION 18. If any portion of this Act or its application to any person or circumstances is held to be invalid for any reason, the remainder of the Act and any provision thereof shall not be affected. 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 shall be expended to fulfill the objective and intent of the appropriation to the extent possible.

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SECTION 19. If any manifest clerical, typographical, or other mechanical error is found in this Act, the chief justice is authorized to correct the error. All changes made pursuant to this section shall be reported to the legislature at its next session.

SECTION 20. This Act shall take effect on July 1, 1999.

(Approved June 28, 1999.)