

**Session Laws of Hawaii  
Passed By The  
Twenty-First State Legislature  
Special Session 2001**

**ACT 1**

H.B. NO. 1

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 2001.

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
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, 2001, and ending June 30, 2003. 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 2001-02	M O F	FISCAL YEAR 2002-03	M O F
<b>The Judicial System</b>							
1.	JUD101	COURTS OF APPEAL					
	OPERATING		JUD	74.00*		74.00*	
			JUD	4,994,899A		4,826,638A	
				75,000W		243,261W	
2.	JUD111	CIRCUIT COURTS					
	OPERATING		JUD	515.50*		520.50*	
			JUD	28,900,495A		29,390,723A	
				300,000B		300,000B	
3.	JUD112	FAMILY COURTS					
	OPERATING		JUD	423.00*		423.00*	
			JUD	28,965,420A		28,943,455A	
				655,580B		655,580B	
4.	JUD121	DISTRICT COURTS					
	OPERATING		JUD	500.50*		500.50*	
				19,697,021A		19,531,007A	
				35.00*		35.00*	
			JUD	2,345,272B		1,988,786B	
5.	JUD201	ADMIN. DIRECTOR SERVICES					
	OPERATING		JUD	257.00*		257.00*	
			JUD	16,945,802A		16,972,882A	
				3,975,388B		1,746,738B	
	INVESTMENT CAPITAL		JUD	14,314,000C		8,713,000C	

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 further that no individual transfer shall be greater than \$250,000; provided further that no transfer shall be made to implement any collective bargaining contract signed after this legislature adjourns sine die; provided further that these transfers shall be consistent with legislative intent; provided further that the judiciary shall submit a detailed report on each transfer, and this report shall include but not be limited to, the amount transferred, the justification for each transfer, and shall include the complete report from the previous fiscal year; and provided further that this report shall be submitted to the legislature no later than twenty days prior to the convening of the 2002 and 2003 regular session.

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; 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; and provided further that a detailed report on all undertakings with the federal government, private organization, or individual entered into by the judiciary from the previous fiscal year and fiscal year 2002 shall be submitted to the legislature no later than twenty days prior to the convening of the 2002 and 2003 regular session.

**SECTION 6.** Provided that of the general fund appropriation for courts of appeal (JUD 101), the sum of \$638,268 for fiscal year 2001-2002 shall be expended on dues and subscriptions for the law library; provided further that the judiciary shall submit a report to the legislature detailing all expenditures by the law library on dues and subscriptions; provided further that this report shall also include recommendations for the law library to achieve financial self-sufficiency; and provided further that this report shall be submitted to the legislature no later than twenty days prior to the convening of the 2002 regular session.

**SECTION 7.** Provided that of the general fund appropriation for circuit court (JUD 111), the sum of \$1,480,747 for fiscal year 2001-2002 and the sum of \$1,890,488 for fiscal year 2002-2003 shall be expended only for the following purposes:

	<u>FY 2002</u>	<u>FY 2003</u>
1st Circuit Drug Court (Oahu)	\$930,849	\$930,849
2nd Circuit Drug Court (Maui)	\$269,380	\$283,602
3rd Circuit Drug Court (Hilo/Kona)	\$116,971	\$440,832
5th Circuit Drug Court (Kauai)	\$163,547	\$235,205;

provided further that any unexpended funds shall lapse to the general fund; provided further that the judiciary shall submit a report of all expenditures; provided further that this report shall include but not be limited to the progress of the drug court, number of individuals in these programs, the success and failure rate by court, and cost per person by court; and provided further that this report shall be submitted no later than twenty days prior to the convening of the 2002 and 2003 regular session.

**SECTION 8.** Provided that of the general fund appropriation for circuit court (JUD 111), the sum of \$7,227,672 for fiscal year 2001-2002 and the sum of \$7,351,854 for fiscal year 2002-2003 shall be in each listed circuit for the adult probation division:

	<u>FY 2002</u>	<u>FY 2003</u>
1st Circuit Court (Oahu)	\$4,395,535	\$4,490,805
2nd Circuit Court (Maui)	\$1,053,032	\$1,060,491
3rd Circuit Court (Hilo/Kona)	\$1,217,024	\$1,234,750
5th Circuit Court (Kauai)	\$562,081	\$565,808;

provided further that any unexpended funds shall lapse to the general fund; and provided further that the judiciary shall submit a report of all expenditures by the adult probation division, broken out by each circuit, twenty days prior to the convening of the 2002 and 2003 regular session.

**SECTION 9.** Provided that of the general fund appropriation for family court (JUD 112), the sum of \$159,505 for fiscal year 2001-2002 and the sum of \$173,540 for fiscal year 2002-2003 shall be expended for a total of five (5) additional probation officers; provided further that any unexpended funds shall lapse to the general fund; and provided further that the judiciary shall submit a report of all

expenditures twenty days prior to the convening of the 2002 and 2003 regular session.

SECTION 10. Provided that of the general fund appropriation for the Ho'okele Navigation Project, the sum of \$89,430 for fiscal year 2001-2002 and the sum of \$98,040 for fiscal year 2002-2003 shall be expended only for the following purposes:

	<u>FY 2002</u>	<u>FY 2003</u>
Circuit Court Ho'okele Navigation Project	\$44,715	\$49,020
District Court Ho'okele Navigation Project	\$44,715	\$49,020;

provided further that any unexpended funds shall lapse to the general fund; provided further that the judiciary shall submit a report of all expenditures, number of people served and type of information provided; and provided further that this report shall be submitted no later than twenty days prior to the convening of the 2002 and 2003 regular session.

SECTION 11. Provided that the judiciary is authorized to transfer positions and appropriations from the current program structure (Program ID's) to a program structure that reflects the revised lines of authority within the judiciary that result from Achieving Court Excellence (ACE) initiatives; provided further that the judiciary shall submit a comprehensive report on the ACE transition, and this report shall include but not be limited to the organization charts, all positions transfers, all position re-descriptions, and all funding transferred including the date of transfers; and provided further that this report shall be submitted to the legislature no later than twenty days prior to the convening of the 2002 and 2003 regular session.

SECTION 12. Provided that the judiciary shall submit a report on all positions re-described and the justification for each re-description to the legislature no later than twenty days prior to the convening of the 2002 and 2003 regular session.

SECTION 13. Provided that of the general fund appropriation for the judiciary, there shall be no restrictions of any general funds, which have a program appropriation provision assigned to them by this Act; and provided further that any unrequired or unencumbered funds shall lapse to the general fund.

**PART IV. CAPITAL IMPROVEMENT PROJECTS**

SECTION 14. The sum of \$23,027,000 appropriated or authorized in part II of this Act for capital improvement 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; 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 2001-02	M O F	FISCAL YEAR 2002-03	M O F
<b>The Judicial System</b>							
<b>JUD201 - ADMIN. DIRECTOR SERVICES</b>							
1.		KAUAI JUDICIARY COMPLEX, KAUAI					
		DESIGN, CONSTRUCTION, AND EQUIPMENT FOR THE KAUAI JUDICIARY COMPLEX IN LIHUE, KAUAI.					
		DESIGN		400			
		CONSTRUCTION				4,000	
		EQUIPMENT				4,000	
		TOTAL FUNDING	JUD	400C		8,000C	
2.		HILO JUDICIARY COMPLEX, HAWAII					
		PLANS, LAND ACQUISITION, AND DESIGN FOR THE HILO JUDICIARY COMPLEX, HAWAII.					
		PLANS			25		
		LAND		3,500			
		DESIGN		3,500			
		TOTAL FUNDING	JUD	7,025C			C
3.		KOOLAUPOKO DISTRICT COURT, OAHU					
		CONSTRUCTION AND EQUIPMENT FOR THE KOOLAUPOKO DISTRICT COURT IN KANEOHE, OAHU.					
		CONSTRUCTION		500			
		EQUIPMENT		775			
		TOTAL FUNDING	JUD	1,275C			C
4.		KAPUAIWA BUILDING INTERIOR ALTERATIONS AND IMPROVEMENTS, OAHU					
		DESIGN, CONSTRUCTION, AND EQUIPMENT FOR INTERIOR AND OTHER IMPROVEMENTS AT THE KAPUAIWA BUILDING, OAHU.					
		DESIGN			20		
		CONSTRUCTION		645			
		EQUIPMENT		10			
		TOTAL FUNDING	JUD	675C			C
5.		ALIOLANI HALE INTERIOR ALTERATIONS AND IMPROVEMENTS, OAHU					
		DESIGN, CONSTRUCTION, AND EQUIPMENT FOR INTERIOR ALTERATIONS AND IMPROVEMENTS AT ALIOLANI HALE, OAHU.					
		DESIGN			55		
		CONSTRUCTION		710			
		EQUIPMENT		10			
		TOTAL FUNDING	JUD	775C			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

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's)			
				FISCAL YEAR 2001-02	M O F	FISCAL YEAR 2002-03	M O F
		DESIGN			38		34
		CONSTRUCTION			150		135
		EQUIPMENT			47		43
		TOTAL FUNDING	JUD		236C		213C
7. REMODELING AND UPGRADING JUDICIARY BUILDINGS, STATEWIDE							
		PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR REMODELING AND UPGRADING JUDICIARY BUILDINGS, STATEWIDE.					
		PLANS			5		5
		DESIGN			70		70
		CONSTRUCTION			415		415
		EQUIPMENT			10		10
		TOTAL FUNDING	JUD		500C		500C
8. KAAHUMANU HALE AIR CONDITIONING CHILLER PLANT REPLACEMENT, OAHU							
		DESIGN AND CONSTRUCTION FOR REPLACEMENT OF AIR CONDITIONING CHILLER PLANT AT KAAHUMANU HALE, OAHU.					
		DESIGN			150		
		CONSTRUCTION			1,400		
		TOTAL FUNDING	JUD		1,550C		C
9. KAUKEAOULI HALE AIR CONDITIONING CHILLER PLANT REPLACEMENT, OAHU							
		DESIGN AND CONSTRUCTION FOR REPLACEMENT OF AIR CONDITIONING CHILLER PLANT AT KAUKEAOULI HALE, OAHU.					
		DESIGN			115		
		CONSTRUCTION			1,120		
		TOTAL FUNDING	JUD		1,235C		C
10. ALIOLANI HALE AIR CONDITIONING EQUIPMENT REPLACEMENT, OAHU							
		DESIGN AND CONSTRUCTION FOR REPLACEMENT OF CHILLER PLANT AND AIR CONDITIONING EQUIPMENT AT ALIOLANI HALE, OAHU.					
		DESIGN			48		
		CONSTRUCTION			320		
		TOTAL FUNDING	JUD		368C		C
11. JUVENILE DETENTION HOME FACILITY IMPROVEMENTS, OAHU							
		DESIGN AND CONSTRUCTION FOR ROOF AND OTHER IMPROVEMENTS AT THE EXISTING JUVENILE DETENTION HOME, HALE HOOMALU, OAHU.					
		DESIGN			30		
		CONSTRUCTION			245		
		TOTAL FUNDING	JUD		275C		C

**PART V. ISSUANCE OF BONDS**

SECTION 15. 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 \$23,027,000.

**PART VI. SPECIAL PROVISIONS**

SECTION 16. Any law or any provision of this Act to the contrary notwithstanding, the appropriations made for capital improvement projects authorized 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 2001-2002 and fiscal year 2002-2003 which are unencumbered as of June 30, 2004, shall lapse as of that date.

SECTION 17. The judiciary is authorized to delegate to other state or county agencies the planning, acquisition of land, design, construction, and equipment of any capital improvement project when it is determined by the judiciary to be advantageous to do so.

SECTION 18. 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.

SECTION 19. If the amount allocated from the general obligation bond fund for a capital improvement project listed in part IV of this Act is insufficient, the chief justice may make supplemental allotments from the project adjustment fund; provided that supplemental allotments shall not be used to increase the scope of the project.

SECTION 20. 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 21. The chief justice shall determine when and the manner in which the authorized capital improvement 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 22. 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 23. 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.

SECTION 24. 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 25. This Act shall take effect on July 1, 2001.

(Approved June 19, 2001.)