

ACT 375

H.B. NO. 49

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. Short title.** This Act shall be known as the Judiciary Appropriations Act of 1987.

**SECTION 2. Definitions.** 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 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. Appropriations.** 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, 1987 and ending June 30, 1989. The total expenditures and the number of permanent established positions 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 1987-88	M O F	FISCAL YEAR 1988-89	M O F
The Judicial System							
1.	JUD101	Courts of Appeal					
		OPERATING	JUD	59.00*		59.00*	
				3,010,025A		3,027,135A	
2.	JUD111	Circuit Courts					
		OPERATING	JUD	329.50*		330.00*	
				13,117,758A		13,686,560A	
3.	JUD112	Family Courts					
		OPERATING	JUD	294.50*		312.50*	
				12,179,077A		12,667,005A	
4.	JUD121	District Courts					
		OPERATING	JUD	615.50*		615.50*	
				15,403,154A		15,221,878A	
			JUD	53.00*		53.00*	
				1,376,311B		1,395,506B	
5.	JUD201	Admin. Director Services					
		OPERATING	JUD	123.00*		124.00*	
		INVESTMENT CAPITAL	JUD	8,856,056A		8,837,085A	
				1,000,000C		C	

**SECTION 4.** 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.** When the need arises, the chief justice, in administering an equitable and expeditious judicial process, is authorized to transfer a maximum of one per cent of the general fund appropriation for each year of

the biennium to the judiciary for research and development and operating purposes between programs; provided that such transfers are not in conflict with legislative intent as reflected by the budget worksheets provided by the legislature to the judiciary; provided 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 of all such transfers shall be made to the legislature twenty days prior to the convening of the 1988 and 1989 regular session.

SECTION 6. 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. While most federal aid allocations are known and state matching funds are provided in this Act, there may be programs for which federal-state cost sharing is not yet determined. In such instances, 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 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 8. Provided that of the general fund appropriation for courts of appeal (JUD 101), the sum of \$31,848 in each year of biennium 1987-89 shall be used to employ one law clerk in the supreme court to facilitate the assignment of cases.

SECTION 9. Provided that of the general fund appropriation for circuit courts (JUD 111), the sum of \$243,837 in fiscal year 1987-88 and \$313,263 in fiscal year 1988-89 shall be used for purchases of service.

SECTION 10. Provided that of the general fund appropriation for circuit courts (JUD 111), the sum of \$40,498 in fiscal year 1987-88 and \$43,270 in fiscal year 1988-89 shall be expended for postage relating to jury pool selection and shall not be expended for any other purpose; provided further that the judiciary shall submit a report on postage expenditures to the legislature at least twenty days prior to the convening of the 1988 regular session.

SECTION 11. Provided that of the general fund appropriation for circuit courts (JUD 111), the sum of \$869,566 in fiscal year 1987-88 and \$1,235,234 in fiscal year 1988-89 shall be expended for juror fees and shall not be expended for any other purpose; provided further that the judiciary shall submit a report on juror fee expenditures to the legislature at least twenty days prior to the convening of the 1988 regular session.

SECTION 12. Provided that of the general fund appropriation for circuit courts (JUD 111), the sum of \$20,000 in fiscal year 1988 shall be used to purchase one GYRR electronic recording machine for the purpose of recording courtroom proceedings; provided further that one circuit court clerk enroll in a professional training course that teaches proper utilization

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of GYRR equipment for courtroom proceedings; provided further that the results of this pilot program be submitted to the legislature at least twenty days prior to the convening of the 1988 regular session.

SECTION 13. Provided that of the general fund appropriation for circuit courts (JUD 111), the sum of \$68,748 in each year of the biennium 1987-89 shall be appropriated to the third judicial circuit; provided further that these funds be used to establish the following positions: one court documents clerk and three clerk IIIs, for the purpose of processing documents in Kona.

SECTION 14. Provided that of the general fund appropriation for family courts (JUD 112), the sum of \$2,596,786 in fiscal year 1987-88 and \$2,382,257 in fiscal year 1988-89 shall be used for purchases of service including the sum of \$80,000 in fiscal year 1988 to be allocated to the Waikiki Community Center for therapeutic mediation and the sum of \$575,563 in fiscal year 1988 for domestic violence programs statewide.

SECTION 15. Provided that of the general fund appropriations for the district court program (JUD 121), the sum of \$6,500 or so much thereof as may be necessary in fiscal year 1987-88 shall be expended to purchase and install an air conditioning system at the Puna District Courthouse.

SECTION 16. Provided that if any currently filled permanent deputy sheriff positions (JUD 121) become vacant those positions shall be reclassified to provide for six full-time unarmed personnel to monitor security scanning devices such as x-ray machines and magnetometers.

SECTION 17. Provided that of the general fund appropriation for the district courts (JUD 121), the sum of \$48,960 in fiscal year 1987-88 shall be provided to implement a video arraignment pilot program.

SECTION 18. Provided that of the general fund appropriation for the district courts (JUD 121), the sum of \$284,225 will be used to purchase electronic security devices to increase the security system of the courts; provided further that the purchase of devices will include x-ray machines, magnetometers, hand-scan metal detectors, audible intrusion detectors, cardkey devices, and renovation of the facility where necessary to accommodate these devices; and provided further that security devices will be provided for the Honolulu District Court, First Circuit Court Complex, and the Second Circuit Court Complex.

SECTION 19. Provided that of the general fund appropriation for district courts (JUD 121), the sum of \$60,000 in fiscal year 1987-88 and \$60,000 in fiscal year 1988-89 shall be used to fund the following positions for a night court in Koolaupoko: one judge, one bailiff, and one district court clerk.

SECTION 20. Provided that of the general fund appropriation for administrative director of services (JUD 201), the sum of \$351,492 in fiscal year 1988 and \$372,029 in fiscal year 1989 shall be used for purchase of service including the sum of \$152,997 in fiscal year 1988 and \$158,434 in fiscal year 1989 to be allocated to the Neighborhood Justice Center; and the sum of \$100,220 in the fiscal year 1988 and \$110,571 in fiscal year 1989 for the protection and advocacy agency for guardianship services.

SECTION 21. Provided that of the general fund appropriation for the judiciary, \$250,000 in fiscal year 1987-88 and \$250,000 in fiscal year 1988-89 shall be used for the statewide summer hire program.

SECTION 22. Provided that in fiscal year 1987-88 the judiciary's office of planning and statistics shall:

- (1) Initiate a study on the feasibility of opening a night court in heavily populated areas using existing courtroom facilities; and
- (2) Review the need for a new district court in Kapaa as opposed to using existing courtroom facilities and/or increasing the use of those facilities.

Provided further that the judiciary shall submit their findings to the legislature prior to the convening of the 1988 legislative session.

SECTION 23. Provided that the judiciary review the compensation paid to the program director of the alternative dispute resolution and the arbitration administrator of court-annexed arbitration relative to that of other administrators in the judiciary and submit a report to the legislature at least twenty days prior to the convening of the 1988 legislative session.

### PART III. CAPITAL IMPROVEMENT PROJECTS

SECTION 24. Capital improvement projects. The sum of \$1,000,000 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 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

#### STATE OF HAWAII

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)			
				FISCAL YEAR 1987-88	M O F	FISCAL YEAR 1988-89	M O F

#### The Judicial System

##### JUD201 - Admin. Director Services

1. 003 Remodeling and Upgrading Judiciary Buildings, Statewide

Design, construction and furnishing of equipment to remodel and upgrade Judiciary buildings, statewide.

DESIGN		70	
CONSTRUCTION		800	
EQUIPMENT		30	
TOTAL FUNDING	JUD	900C	C

2. 004 Advance Planning Judiciary

Advance planning for statewide Judiciary facilities planning projects.

PLANS		100	
TOTAL FUNDING	JUD	100C	C

SECTION 25. Provided that of the general obligation bond appropriation for the judiciary (JUDCIP), the sum of \$100,000 or so much thereof as

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necessary in fiscal year 1987-88 shall be provided to initiate a comprehensive physical development plan for the judiciary which should contain such elements as:

- (1) Physical plans,
- (2) Long range goals and objectives,
- (3) A statement of policy including the role of rural courts in each judicial circuit,
- (4) Development of a prototype rural court.

Provided further that the judiciary shall submit the comprehensive physical development plan to the legislature twenty days prior to the convening of the 1988 legislative session.

### **PART IV. ISSUANCE OF BONDS**

**SECTION 26.** General obligation bonds. 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 \$1,000,000.

### **PART V. SPECIAL PROVISIONS**

**SECTION 27.** 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 1987-89 which are unencumbered as of June 30, 1990 shall lapse as of that date.

**SECTION 28.** The judiciary is authorized to delegate 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 29.** All unrequired balances, after the objectives of appropriations made in Part II for capital investment purposes from the general obligation fund and listed as projects in Part III have been met, shall be transferred to the judiciary project adjustment fund.

**SECTION 30.** 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 31.** 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 32.** The chief justice shall determine when and the manner in which the authorized projects shall be initiated. He 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 IV.

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

**SECTION 33. Severability.** 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 34. Manifest errors.** 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 35. Effective date.** This Act shall take effect on July 1, 1987.

(Approved July 7, 1987.)