

ACT 318

H.B. NO. 2483

A Bill for an Act Relating to the Judiciary.

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

SECTION 1. This Act shall be known as the Judiciary Supplemental Appropriations Act of 1988.

SECTION 2. This Act amends Act 375, Session Laws of Hawaii 1987.

SECTION 3. Section 3, Act 375, Session Laws of Hawaii 1987, is amended to read:

“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

				APPROPRIATIONS			
ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	FISCAL YEAR 1987-88	M O F	FISCAL YEAR 1988-89	M O F
The Judicial System							
1.	JUD101	- Courts of Appeal		59.00 *		[59.00 *]	
	OPERATING		JUD	3,010,025 A		[61.00 *]	
			JUD			[3,027,135 A]	
						3,019,971 A	
2.	JUD111	- Circuit Courts		[329.50 *]		[330.00 *]	
	OPERATING		JUD	335.50 *		337.00 *	
			JUD	13,117,758 A		[13,686,560 A]	
	INVESTMENT CAPITAL		JUD			13,859,652 A	
						2,000,000 A	
3.	JUD112	- Family Courts		294.50 *		[312.50 *]	
	OPERATING		JUD	12,179,077 A		325.50 *	
			JUD			[12,667,005 A]	
						13,474,759 A	
4.	JUD121	- District Courts		[615.50 *]		[615.50 *]	
	OPERATING		JUD	610.50 *		608.50 *	
			JUD	15,403,154 A		[15,221,878 A]	
						15,386,487 A	
			JUD	53.00 *		53.00 *	
				1,376,311 B		1,395,506 B	
5.	JUD201	- Admin. Director Services		[123.00 *]		[124.00 *]	
	OPERATING		JUD	122.00 *		129.00 *	
			JUD	8,856,056 A		[8,837,085 A]	
	INVESTMENT CAPITAL		JUD			9,094,209 A	
				1,000,000 C		2,000,000 A	

SECTION 4. PART II, Act 375 Session Laws of Hawaii 1987, is amended:

(1) By adding a new section to read as follows:

“SECTION 13A. Provided that of the general fund appropriation for circuit courts (JUD 111), the sum of \$38,000 in fiscal year 1988-89 shall be used to lease court reporting equipment for the court reporters in the first, second, and third circuits.”

(2) By adding a new section to read as follows:

“SECTION 13B. Provided that of the general fund appropriation for circuit courts (JUD 111), the sum of \$30,000 in fiscal year 1988-89 shall be used for the home detention program.”

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(3) By adding a new section to read as follows:

“SECTION 13C. Provided that of the general fund appropriation for circuit courts (JUD 111), the sum of \$37,204 in fiscal year 1988-89 shall be for an exempt chief clerk in Hilo.”

(4) By amending Section 14 to read as follows:

“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] \$2,958,222 in fiscal year 1988-89 shall be used for purchases of services 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.”

(5) By adding a new section to read as follows:

“SECTION 14A. Provided that of the general fund appropriation for family courts (JUD 112), the sum of \$88,779 in fiscal year 1988-89 shall be used to fund one district family judge, one court clerk, one bailiff, and related expenses in the second circuit.”

(6) By adding a new section to read as follows:

“SECTION 14B. Provided that of the general fund appropriation for family courts (JUD 112), the sum of \$123,010 in fiscal year 1988-89 shall be used to fund one district family judge, two court clerks, one bailiff, and related expenses in the third circuit.”

(7) By adding a new section to read as follows:

“SECTION 14C. Provided that in the fiscal year 1988-89, the family court (JUD 112) shall develop a plan to efficiently utilize circuit court clerks in maintaining the operations of the family court; provided further that the judiciary shall submit their findings and recommendations to the legislature thirty days prior to the convening of the 1989 regular session.”

(8) By adding a new section to read as follows:

“SECTION 19A. Provided that of the general fund appropriation for district courts (JUD 121), the sum of \$37,000 in fiscal year 1988-89 shall be expended as follows: for fuel \$10,000, for materials and supplies \$8,000, for repairs and maintenance \$13,000 and for services on a fee (medical) \$46,000; provided further that \$37,000 shall not be available for transfer, and that any amounts not expended as provided in this section shall be lapsed into the general fund.”

(9) By adding a new section to read as follows:

“SECTION 19B. Provided that of the general fund appropriation for district courts (JUD 121), the sum of \$49,550 in fiscal year 1988-89 shall be used to fund other current expenses for the Lahaina district court.”

(10) By adding a new section to read as follows:

“SECTION 19C. Provided that of the general fund appropriation for district courts (JUD 121), the sum of \$13,596 in fiscal year 1988-89 shall be used to fund

a permanent process server position to be created in the office of the sheriff; provided further that the process server position shall be established without regard to chapter 76, Hawaii Revised Statutes."

(11) By adding a new section to read as follows:

"SECTION 19D. Provided that of the authorized position count for family courts (JUD 112), three social worker positions shall be added to the adult probation division in the second circuit in fiscal year 1988-89."

(12) By amending Section 20 to read as follows:

"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] \$409,429 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."

(13) By adding a new section to read as follows:

"SECTION 20A. Provided that of the general fund appropriation for administrative director services (JUD 201), the sum of \$150,000 in fiscal year 1988-89 shall be used to provide funds for temporary hires in the program services office."

(14) By adding a new section to read as follows:

"SECTION 23A. Provided that the judiciary shall submit to the legislature no later than twenty days prior to the convening of the 1989 regular session a report detailing:

- (1) the specific needs and the priorities of the information systems for the judiciary, including feasibility studies, plans, and costs for implementation of computer systems and software for the neighbor islands;
- (2) the status of improvements to the traffic violations information system and the Hawaii judicial information system;
- (3) the complete systems requirements plan for the family courts; and
- (4) the specific plans for implementation of the objectives of the strategic systems plans."

(15) By adding a new section to read as follows:

"SECTION 23B. Provided that of the expenditures, management, and operations of the judiciary shall be subject to an audit by the legislative auditor; provided further that the audit shall include, but not be limited to, the operations and management of the:

1. Civil service process of the personnel office; and
2. The judiciary computer systems office.

Provided further that the legislative auditor shall report on findings and recommendations twenty days prior to the convening of the 1989 regular session."

(16) By adding a new section to read as follows:

"SECTION 23C. Provided that the judiciary shall study the feasibility and efficiency of implementing a pool of permanent workers whose only function will

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be to provide back-up services (e.g. temporary support for personnel on vacation or temporary support to alleviate backlog problems) to judiciary programs; provided further that the judiciary shall report their findings and recommendations to the legislature twenty days prior to the convening of the 1989 regular session."

(17) By adding a new section to read as follows:

"SECTION 23D. Provided that the judiciary shall review the feasibility of consolidating the impaneling procedures of the petit jury and the grand jury; provided further that the judiciary shall report on its findings and recommendations twenty days prior to the convening of the 1989 regular session."

SECTION 5. PART III. Capital Improvement Projects, Section 24, Act 375, Session Laws of Hawaii 1987, is amended to read as follows:

"SECTION 24. **Capital improvement projects.** The sum of [\$1,000,000] \$5,000,000 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

				APPROPRIATIONS (IN 000'S)	
ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	FISCAL M YEAR O 1987-88 F	FISCAL M YEAR O 1988-89 F
The Judicial System					
<u>JUD111 - Circuit Courts</u>					
1.	005	<u>HILO JUDICIARY COMPLEX</u>			
		<u>DESIGN AND CONSTRUCTION OF THE HILO JUDICIARY</u>			
		<u>COMPLEX.</u>			
					20
					1,980
					<u>2,000 A</u>
		<u>TOTAL FUNDING</u>	<u>JUD</u>	<u>A</u>	
JUD201 - Admin. Director Services					
1.	003	<u>REMODELING AND UPGRADING JUDICIARY</u>			
		<u>BUILDINGS, STATEWIDE</u>			
		<u>DESIGN, CONSTRUCTION AND FURNISHING OF</u>			
		<u>EQUIPMENT TO REMODEL AND UPGRADE JUDICIARY</u>			
		<u>BUILDINGS, STATEWIDE.</u>			
				70	
				800	
				30	
		<u>TOTAL FUNDING</u>	<u>JUD</u>	<u>900 C</u>	<u>C</u>
2.	004	<u>ADVANCE PLANNING JUDICIARY</u>			
		<u>ADVANCE PLANNING FOR STATEWIDE JUDICIARY</u>			
		<u>FACILITIES PLANNING PROJECTS.</u>			
				100	
		<u>TOTAL FUNDING</u>	<u>JUD</u>	<u>100 C</u>	<u>C</u>
3.	008	<u>KOOLAUPOKO DISTRICT COURT, OAHU</u>			

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL M YEAR O 1987-88 F	FISCAL M YEAR O 1988-89 F
<u>DESIGN AND CONSTRUCTION OF THE KOOLAUPOKO DISTRICT COURT.</u>					
	<u>DESIGN</u>				20
	<u>CONSTRUCTION</u>				1,980
	<u>TOTAL FUNDING</u>		<u>JUD</u>	<u>A</u>	<u>2,000 A</u>

SECTION 6. By adding a new section to read as follows:

“SECTION 25A. Provided that of the general fund appropriation for the judiciary, the sum of \$2,000,000 or as much thereof as necessary in fiscal year 1988-89 shall be provided for the design and construction of a Hilo judiciary complex to be situated on State lands adjacent to the existing Hilo judicial facilities.”

SECTION 7. Any law to the contrary notwithstanding, the unencumbered balance of the appropriations under Act 169, session laws of Hawaii 1985, section 10, in the amount indicated is lapsed:

<u>Item No.</u>	<u>Amount (MOF)</u>
JUD 201-6	\$1,422,000 C

SECTION 8. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 9. Nothing in this Act shall affect the validity or continuing effectiveness of any provision of Act 375, Session Laws of Hawaii 1987, not repealed or modified by this Act.

SECTION 10. This Act shall take effect on July 1, 1988.

(Approved June 13, 1988.)

Note

1. So in original.