

ACT 301

H.B. NO. 2608

A Bill for an Act Relating to 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 1990.

SECTION 2. In accordance with Section 9 of Article VII of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriations contained in this Act will cause the state general fund expenditure ceiling for fiscal year 1989-1990 to be exceeded by \$67,810,180, or 2.9 per cent, and for fiscal year 1990-1991 to be exceeded by \$68,818,788, or 2.7 per cent. The reasons for exceeding the general fund expenditure ceiling are that the appropriations made in this Act are necessary to serve the public interest and to meet the needs provided for by this Act.

SECTION 3. This Act amends Act 315, Session Laws of Hawaii 1989.

SECTION 4. Section 4, Act 315, Session Laws of Hawaii 1989, is amended to read as follows:

“SECTION 4. 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, 1989, and ending June 30, 1991. 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 1989-90	M O F	FISCAL YEAR 1990-91	M O F
The Judicial System							
1.	JUD101	- Courts of Appeal		67.00*		[67.00* 68.00*	
	OPERATING		JUD JUD	3,546,821A		[3,526,519A 3,726,695A	
2.	JUD111	- Circuit Courts		[370.00* 371.00*		[375.00* 377.00*	
	OPERATING		JUD JUD	16,467,194A		[16,387,621A 16,559,294A	
3.	JUD112	- Family Courts		351.50*		[373.50* 378.50*	
	OPERATING		JUD	18,837,993A		[19,896,673A	

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PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS			
				FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
			JUD				21,075,277A
4.	JUD121	- District Courts		638.50*		[641.50*]	
	OPERATING		JUD	17,566,524A		530.50*	[17,677,246A]
			JUD	53.00*		14,995,043A	
			JUD	1,461,124B		53.00*	[1,472,096B]
			JUD			1,476,294B	
5.	JUD201	- Admin. Director Services		218.00*		[230.00*]	
	OPERATING		JUD	11,391,648A		234.00*	[11,810,033A]
	INVESTMENT CAPITAL		JUD	2,553,000C		12,462,479A	
			JUD			[2,837,000C]	
			JUD			20,608,000C	

SECTION 5. PART II, Act 315, Session Laws of Hawaii 1989, is amended:

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

“SECTION 5A. Provided that of the appropriation for the judiciary, the sum of \$10,000 in fiscal year 1990-91 may be made available to be established as a separate account for a protocol fund to be expended at the discretion of the chief justice.”

(2) By amending Section 9 to read as follows:

“SECTION 9. Provided that of the general fund appropriation for the¹ circuit courts (JUD 111), the sum of \$400,000 in fiscal year 1989-90 and [\$400,000] \$479,000 in fiscal year 1990-91 shall be expended to provide judicial services, which the legislature finds to be a public purpose, through purchase of services agreements under chapter 42, Hawaii Revised Statutes.”

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

“SECTION 12. Provided that of the general fund appropriation for family courts (JUD 112), the sum of \$5,427,031 in fiscal year 1989-90 and [\$5,896,266] \$6,832,569 in fiscal year 1990-91 shall be expended to provide judicial services, which the legislature finds to be a public purpose, through purchase of services agreements under chapter 42, Hawaii Revised Statutes.”

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

“SECTION 16A. Provided that of the general fund appropriation for district court of the first circuit (JUD 121), the sum of \$92,000 shall be expended in fiscal year 1990-91 to purchase computers, software, and networking capabilities for the traffic violations bureau.”

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

“SECTION 16B. Provided that of the general fund appropriation for district court of the second circuit (JUD 121), the sum of \$38,960 shall be expended in fiscal year 1990-91 for 2.00 clerk-typist II positions and equipment for the traffic violations bureau, Wailuku division.”

(6) By amending Section 21 to read as follows:

“SECTION 21. Provided that of the general fund appropriation for administrative director services (JUD 201), the sum of \$376,234 in fiscal year 1989-90 and [~~\$413,619~~] \$453,619 in fiscal year 1990-91 shall be expended to provide judicial service, which the legislature finds to be a public purpose, through purchase of services agreements under chapter 42, Hawaii Revised Statutes.”

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

“SECTION 21B. Provided that of the general fund appropriation for administrative director services (JUD 201), the sum of \$20,000 shall be expended in fiscal year 1990-91 to provide sign language interpreter services.”

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

“SECTION 21C. Provided that of the general fund appropriation for the judiciary computer system (JUD 201), the sum of \$50,000 shall be expended in fiscal year 1990-91 for developing a plan for an integrated communications network for the Hawaii judiciary; provided further that the judiciary appoint the chief information officer to review this proposed plan before the expenditure of these funds.”

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

“SECTION 30A. Provided that to ensure the proper expenditure of funds, the judiciary shall submit a written report to the legislative auditor by October 31, 1990 on the progress it has made in implementing each of the recommendations in the legislative auditor’s Report No. 89-5, Management and Financial Audit of the Judiciary; provided further that the legislative auditor shall review the judiciary’s progress in implementing the recommendations and the extent to which the judiciary is implementing its new budget format to provide information to the legislature similar to that provided by the executive branch; provided further that the legislative auditor shall submit a report to the 1991 regular session of the legislature on the judiciary’s implementation of the recommendations in the legislative auditor’s Report No. 89-5 and on the judiciary’s implementation of its new budget format.”

SECTION 6. PART III. CAPITAL IMPROVEMENT PROJECTS, Section 31, Act 315, Session Laws of Hawaii 1989, is amended to read as follows:

“SECTION 31. Capital Improvement Projects. The sum of [~~\$5,390,000~~] \$23,161,000 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

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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

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's)			
				FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
The Judicial System							
JUD201 - Admin. Director Services							
[1.		PLANNING AND LAND ACQUISITION OF A FAMILY COURT CENTER, OAHU.					
		PLANNING AND LAND ACQUISITION OF A FAMILY COURT CENTER.					
		PLANS			300		
		LAND			100		
		TOTAL FUNDING	JUD		400C		C]
1.		<u>PLANNING AND LAND ACQUISITION OF A FAMILY COURT CENTER, OAHU.</u>					
		<u>PLANNING AND LAND ACQUISITION OF A FAMILY COURT CENTER, OAHU.</u>					
		<u>PLANS</u>			300		
		<u>LAND</u>			100		15,204
		<u>TOTAL FUNDING</u>	<u>JUD</u>		<u>400C</u>		<u>15,204C</u>
[2.		HILO JUDICIARY COMPLEX, HAWAII					
		PLANNING AND DESIGN OF A JUDICIARY COMPLEX IN HILO TO ACCOMMODATE THE CIRCUIT, FAMILY AND DISTRICT COURTS.					
		PLANS			60		
		DESIGN			993		537
		TOTAL FUNDING	JUD		1,053C		537C]
2.		<u>HILO JUDICIARY COMPLEX, HAWAII</u>					
		<u>PLANNING AND DESIGN OF A JUDICIARY COMPLEX IN HILO TO ACCOMMODATE THE CIRCUIT, FAMILY AND DISTRICT COURTS.</u>					
		<u>PLANS</u>			60		
		<u>DESIGN</u>			993		1,320
		<u>TOTAL FUNDING</u>	<u>JUD</u>		<u>1,053C</u>		<u>1,320C</u>

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's)			
				FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
3.		KOOLAUPOKO DISTRICT COURT, KANEHOE, OAHU					
		PLANNING, LAND ACQUISITION, AND DESIGN FOR KOOLAUPOKO DISTRICT COURT.					
		PLANS			200		
		LAND					1,695
		DESIGN					105
		TOTAL FUNDING	JUD		200C		1,800C
4.		KONA JUDICIARY COMPLEX, KONA, HAWAII					
		PLANNING FOR THE KONA JUDICIARY COMPLEX.					
		PLANS			100		
		TOTAL FUNDING	JUD		100C		C
[5.		KAUAI JUDICIARY COMPLEX, KAUAI					
		PLANNING FOR THE KAUAI JUDICIARY COMPLEX.					
		PLANS			100		
		TOTAL FUNDING	JUD		100C		C]
5.		<u>KAUAI JUDICIARY COMPLEX, KAUAI</u>					
		<u>PLANNING AND LAND ACQUISITION FOR THE KAUAI JUDICIARY COMPLEX</u>					
		<u>PLANS</u>			<u>100</u>		
		<u>LAND</u>					<u>750</u>
		<u>DESIGN</u>					<u>830</u>
		<u>TOTAL FUNDING</u>	<u>JUD</u>		<u>100C</u>		<u>1,580C</u>
6.		MOLOKAI DISTRICT COURT, MOLOKAI					
		PLANNING FOR THE MOLOKAI DISTRICT COURT.					
		PLANS			100		
		TOTAL FUNDING	JUD		100C		C
[7.		WAHIAWA DISTRICT COURT, OAHU					
		PLANNING FOR THE WAHIAWA DISTRICT COURT.					
		PLANS			100		
		TOTAL FUNDING	JUD		100C		C]
7.		<u>WAHIAWA DISTRICT COURT, OAHU</u>					
		<u>PLANNING AND DESIGN FOR THE WAHIAWA DISTRICT COURT.</u>					
		<u>PLANS</u>			<u>100</u>		
		<u>DESIGN</u>					<u>204</u>
		<u>TOTAL FUNDING</u>	<u>JUD</u>		<u>100C</u>		<u>204C</u>

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CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's)			
				FISCAL YEAR 1989-90	M O F	FISCAL YEAR 1990-91	M O F
8.		REMODELING AND UPGRADING JUDICIARY BUILDINGS, STATEWIDE					
		DESIGN, CONSTRUCTION AND FURNISHING OF EQUIPMENT TO REMODEL AND UPGRADE JUDICIARY BUILDINGS, STATEWIDE.					
		DESIGN			75		75
		CONSTRUCTION			300		400
		EQUIPMENT			25		25
		TOTAL FUNDING	JUD		400C		500C
[9.		JUVENILE DETENTION CENTER, OAHU PLANS			100		
		TOTAL FUNDING	JUD		100C		C]
9.		<u>JUVENILE DETENTION CENTER, OAHU</u>					
		<u>PLANS FOR A NEW JUVENILE DETENTION CENTER.</u>					
		<u>PLANS</u>			100		
		<u>TOTAL FUNDING</u>	<u>JUD</u>		<u>100C</u>		<u>C</u>

SECTION 7. PART IV. ISSUANCE OF BONDS, Section 34, Act 315, Session Laws of Hawaii 1989, is amended to read as follows:

“SECTION 34. 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 [\$5,390,000] \$23,161,000.”

SECTION 8. Severability. If any portion of this Act or its application to any person or circumstance 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 9. 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 10. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 11. Effective date. This Act shall take effect upon approval.

(Approved June 26, 1990.)

Note

1. So in original.