

ACT 301

H.B. NO. 2705

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 and may be cited as the Judiciary Supplemental Appropriations Act of 1992.

SECTION 2. Act 299, Session Laws of Hawaii 1991, is amended by adding a new section to read as follows:

“SECTION 2A. 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 1991-92 to be exceeded by \$72,402,712 or 2.56 per cent, and for fiscal year 1992-93 to be exceeded by \$75,579,979 or 1.82 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 299, Session Laws of Hawaii 1991.

SECTION 4. Part II, Act 299, Session Laws of Hawaii 1991, is amended:

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

"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, 1991, and ending June 30, 1993. The total expenditures and the number of permanent positions established in each fiscal year 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 1991-92	M O F	FISCAL YEAR 1992-93	M O F
The Judicial System							
1.	JUD101	COURTS OF APPEAL		69.00 *	[	69.00 *]	
						<u>71.00 *</u>	
	OPERATING		JUD	4,206,160 A	[	4,281,628 A]	
			<u>JUD</u>			<u>4,142,085 A</u>	
2.	JUD111	CIRCUIT COURTS		489.50 *	[	493.50 *]	
						<u>501.50 *</u>	
	OPERATING		JUD	22,220,943 A	[	22,794,273 A]	
			<u>JUD</u>			<u>22,340,768 A</u>	
3.	JUD112	FAMILY COURTS		397.50 *	[	401.50 *]	
						<u>404.50 *</u>	
	OPERATING		JUD	23,787,140 A	[	24,676,441 A]	
			<u>JUD</u>			<u>24,119,901 A</u>	
4.	JUD121	DISTRICT COURTS		500.50 *	[	501.50 *]	
						<u>516.50 *</u>	
	OPERATING		JUD	15,848,418 A	[	15,967,715 A]	
			<u>JUD</u>			<u>15,726,256 A</u>	
			JUD	54.00 *		54.00 *	
			JUD	1,650,001 B		1,642,457 B	
5.	JUD201	ADMIN. DIRECTOR SERVICES		234.50 *	[	237.50 *]	
						<u>247.50 *</u>	
	OPERATING		JUD	14,865,489 A	[	15,402,985 A]	
			<u>JUD</u>			<u>15,244,147 A</u>	
	INVESTMENT CAPITAL		JUD	39,747,000 C	[4,300,000 C]	
			<u>JUD</u>			<u>6,920,000 C</u>	

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

“SECTION 11A. Provided that of the general fund appropriation for circuit court (JUD 111), the sum of \$10,000 in fiscal year 1992-93 shall be used for training in mental health issues for judges in the first circuit criminal division.”

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

“SECTION 11B. Provided that of the general fund appropriation for administrative director services (JUD 201), the sum of \$29,720 in other current expenses shall be used for Hawaii State Bar registration fees for justices, judges and staff attorneys.”

(4) By amending section 12 to read as follows:

“SECTION 12. Provided that of the general fund appropriation for administrative director services (JUD 201), the sum of \$263,943 in fiscal year 1991-92 and \$267,615 in fiscal year 1992-93 shall be expended to establish the following three positions: one Judicial Education Officer; one Judicial Education Staff Assistant; and one Clerk Typist III; provided further that these positions shall be responsible for establishing a Judicial Education Office[. The]; provided further that the Judicial Education Officer shall be exempt from chapters 76 and 77, shall not be considered a civil service employee, but shall be entitled to any employee benefit plan normally inuring to civil service employees; and provided further that the functions of the Judicial Education Office shall include, but not be limited to, instituting a comprehensive and structured program for judicial orientation, continuing education, and training in the state court system.”

SECTION 5. Part III, Act 299, Session Laws of Hawaii 1991, is amended by amending Section 13 to read as follows:

“SECTION 13. The sum of [\$44,047,000] \$46,667,000 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 planning, 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 NO.	PROJECT TITLE	EXPENDING AGENCY	FISCAL YEAR 1991-92	M O F	FISCAL YEAR 1992-93	M O F
The Judicial System							
JUD201 - ADMIN. DIRECTOR SERVICES							
1. HILO JUDICIARY COMPLEX, HAWAII							
DESIGN AND CONSTRUCTION FOR A							

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's)			
				FISCAL YEAR 1991-92	M O F	FISCAL YEAR 1992-93	M O F
		JUDICIARY COMPLEX IN HILO TO ACCOMMODATE THE CIRCUIT, FAMILY, AND DISTRICT COURTS.					
		DESIGN		687			
		CONSTRUCTION		37,000			
		TOTAL FUNDING	JUD	37,687 C			C
2.		FAMILY COURT CENTER, OAHU					
		PLANS AND DESIGN FOR A FAMILY COURT CENTER ON OAHU.					
		PLANS		100			
		DESIGN				3,700	
		TOTAL FUNDING	JUD	100 C		3,700 C	
[3.		JUVENILE DETENTION CENTER, OAHU					
		PLANS FOR A NEW JUVENILE DETENTION CENTER ON OAHU.					
		PLANS		125			
		TOTAL FUNDING	JUD	125 C			C]
3.		<u>JUVENILE DETENTION CENTER, OAHU</u>					
		<u>PLANS AND DESIGN FOR A NEW JUVENILE DETENTION CENTER ON OAHU.</u>					
		<u>PLANS</u>		<u>125</u>			
		<u>DESIGN</u>				<u>930</u>	
		<u>TOTAL FUNDING</u>	<u>JUD</u>	<u>125 C</u>		<u>930 C</u>	
[4.		KAUAI JUDICIARY COMPLEX, KAUAI					
		LAND ACQUISITION AND DESIGN FOR A NEW KAUAI JUDICIARY COMPLEX.					
		LAND		450			
		DESIGN		470			
		TOTAL FUNDING	JUD	920 C			C]
4.		<u>KAUAI JUDICIARY COMPLEX, KAUAI</u>					
		<u>LAND ACQUISITION AND DESIGN FOR A NEW KAUAI JUDICIARY COMPLEX.</u>					
		<u>LAND</u>		<u>450</u>		<u>750</u>	
		<u>DESIGN</u>		<u>470</u>		<u>830</u>	
		<u>TOTAL FUNDING</u>	<u>JUD</u>	<u>920 C</u>		<u>1,580 C</u>	
[5.		MOLOKAI DISTRICT COURT, MOLOKAI					
		DESIGN FOR A NEW MOLOKAI DISTRICT COURT.					
		DESIGN		215			
		TOTAL FUNDING	JUD	215 C			C]
5.		<u>MOLOKAI DISTRICT COURT, MOLOKAI</u>					
		<u>DESIGN FOR A NEW MOLOKAI DISTRICT COURT.</u>					
		<u>DESIGN</u>		<u>215</u>		<u>110</u>	
		<u>TOTAL FUNDING</u>	<u>JUD</u>	<u>215 C</u>		<u>110 C</u>	

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's)			
				FISCAL YEAR 1991-92	M O F	FISCAL YEAR 1992-93	M O F
6.		REMODELING AND UPGRADING JUDICIARY BUILDINGS, STATEWIDE					
		DESIGN, CONSTRUCTION, AND EQUIPMENT FOR REMODELING AND UPGRADING JUDICIARY BUILDINGS, STATEWIDE.					
		DESIGN		75		75	
		CONSTRUCTION		500		500	
		EQUIPMENT		25		25	
		TOTAL FUNDING	JUD	600 C		600 C	
[7.		NAALEHU DISTRICT COURT/MULTI-PURPOSE FACILITY, HAWAII					
		PLANS FOR A NEW NAALEHU DISTRICT COURT/MULTI-PURPOSE FACILITY, HAWAII					
		PLANS		100			
		TOTAL FUNDING	JUD	100 C			C]
7.		<u>NAALEHU DISTRICT COURT/MULTI-PURPOSE FACILITY, HAWAII</u>					
		<u>PLANS FOR A NEW NAALEHU DISTRICT COURT/MULTI-PURPOSE FACILITY, HAWAII</u>					
		<u>PLANS</u>		<u>100</u>			
		<u>TOTAL FUNDING</u>	<u>JUD</u>	<u>100 C</u>			<u>C"</u>

SECTION 6. Part IV, Act 299, Session Laws of Hawaii 1991, is amended by adding a new section to read as follows:

“SECTION 16A. Any law to the contrary, notwithstanding, the appropriations under Act 315, Session Laws of Hawaii 1989, section 31, as amended and renumbered by Act 301, Session Laws of Hawaii 1990, section 6, in the amounts indicated or balances thereof are hereby lapsed:

<u>Item No.</u>	<u>Amount (MOF)</u>
JUD 201-3	\$1,800,000 C
JUD 201-5	1,580,000 C"

SECTION 7. Part V, Act 299, Session Laws of Hawaii 1991, is amended by amending Section 17 to read as follows:

“SECTION 17. 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 [\$44,047,000.] \$46,667,000.”

SECTION 8. 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 9. 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. This Act shall take effect upon approval.

(Approved June 30, 1992.)