

ACT 277

H.B. NO. 203

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 as the Judiciary Appropriations Act of 1993.

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 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. 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, 1993, and ending June 30, 1995. 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 1993-94	M O F	FISCAL YEAR 1994-95	M O F
The Judicial System							
1.	JUD101	-COURTS OF APPEAL					
	OPERATING		JUD	71.00*		71.00*	
				4,395,574A		4,387,574A	
2.	JUD111	-CIRCUIT COURTS					
	OPERATING		JUD	501.50*		501.50*	
				24,065,428A		24,065,428A	
3.	JUD112	-FAMILY COURTS					
	OPERATING		JUD	427.50*		427.50*	
				24,665,214A		24,775,214A	
4.	JUD121	-DISTRICT COURTS					
	OPERATING		JUD	521.50*		521.50*	
				17,039,024A		17,039,024A	
			JUD	54.00*		54.00*	
				1,828,028B		1,828,028B	
5.	JUD201	-ADMIN. DIRECTOR SERVICES					
	OPERATING		JUD	252.50*		252.50*	
	INVESTMENT CAPITAL		JUD	16,231,964A		16,044,719A	
				1,393,000C			C

PART III. PROGRAM PROVISIONS

SECTION 4. Provided that 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; and provided further that a report identifying all transfers implemented during the previous fiscal year shall be submitted to the legislature no later than twenty days prior to the convening of each regular session.

SECTION 5. 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 transfer shall be made to implement any collective bargaining contract signed after this legislature adjourns sine die; provided further that the chief justice shall submit to the legislature, no later than twenty days prior to the convening of the 1994 and 1995 regular sessions, reports of all transfers of funds and positions as of December 31 and June 30 of each fiscal year of the fiscal biennium 1993-1995.

SECTION 6. 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 or private organization or individual; and provided further that while most federal aid al-

locations 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.

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 all such transfers for the prior fiscal year shall be reported to the legislature at the beginning of each fiscal year.

SECTION 8. Provided that of the general fund appropriation for the court of appeals (JUD 101), the sum of \$8,000 for fiscal year 1993-1994 shall be expended to hold a citizens forum for judicial selection.

SECTION 9. Provided that of the general fund appropriation for circuit court, (JUD 111), the sum of \$530,352 for each year of the fiscal biennium 1993-1995 shall be expended by the first circuit for two circuit court judges to adjudicate the current felony caseload and, to the extent practicable, to reduce and dispose of the backlog of felony cases; provided further that the judiciary shall submit to the legislature status reports on efforts to address increases in the felony caseload; provided further that the status reports shall include but not be limited to identification of goals and objectives relating to the increase in felony cases, utilization of funds appropriated for those purposes, and an evaluation of the extent to which the funds have enabled achievement or advancement of the established goals and objectives; provided further that the status reports shall also include identification of and justification for any anticipated or projected program adjustments relating to the felony caseload; provided further that the status reports shall be submitted no later than twenty days prior to the convening of the 1994 and 1995 regular sessions.

SECTION 10. Provided that of the general fund appropriation for family court, (JUD 112), the sum of \$150,000 in fiscal year 1993-1994 and \$150,000 in fiscal year 1994-1995 shall be expended by the first circuit for In Community Service through purchase of service agreements under chapter 42D, Hawaii Revised Statutes.

SECTION 11. Provided that of the general fund appropriation for family court, (JUD 112), the sum of \$30,000 in fiscal year 1993-1994 and \$140,000 in fiscal year 1994-1995 shall be expended by the third circuit for short-term shelter placement services through purchase of service agreements under chapter 42D, Hawaii Revised Statutes.

SECTION 12. Provided that of the general fund appropriation for family court, (JUD 112), the sum of \$251,560 for each year of the fiscal biennium 1993-1995 shall be expended by the first circuit for two district court per diem judges to adjudicate the current domestic violence caseload and, to the extent practicable, to reduce and dispose of the backlog of domestic violence cases; provided further that the judiciary shall submit to the legislature status reports on efforts to address increases in the domestic violence caseload; provided further that the status reports shall include but not be limited to identification of goals and objectives relating to the increase in domestic violence cases, utilization of funds appropriated for those purposes, and an evaluation of the extent to which the funds have enabled achievement or advancement of the established goals and objectives; provided further that the status reports shall also include identification of and justification for any anti-

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pated or projected program adjustments relating to the domestic violence caseload; provided further that the status reports shall be submitted no later than twenty days prior to the convening of the 1994 and 1995 regular sessions.

SECTION 13. Provided that of the general fund appropriation for family court, (JUD 112), the sum of \$100,000 for each year of the fiscal biennium 1993-1995 shall be expended by the third circuit to correct security problems at the third circuit court facility in Hilo; provided further that these corrections shall consist of but not be limited to the problems noted in the security survey conducted by the department of public safety on May 27, 1992.

SECTION 14. Provided that of the general fund appropriation for district court, (JUD 121), the sum of \$251,560 for each year of the fiscal biennium 1993-1995 shall be expended by the first circuit for two district court per diem judges to adjudicate the current DUI caseload and, to the extent practicable, to reduce and dispose of the backlog of DUI cases; provided further that the judiciary shall submit to the legislature status reports on efforts to address increases in the DUI caseload; provided further that the status reports shall include but not be limited to identification of goals and objectives relating to the increase in DUI cases, utilization of funds appropriated for those purposes, and an evaluation of the extent to which the funds have enabled achievement or advancement of the established goals and objectives; provided further that the status reports shall also include identification of and justification for any anticipated or projected program adjustments relating to the DUI caseload; provided further that the status reports shall be submitted no later than twenty days prior to the convening of the 1994 and 1995 regular sessions.

SECTION 15. Provided that of the general fund appropriation for administrative director services (JUD 201), the sum of \$50,000 for fiscal year 1993-1994 shall be expended to conduct a study on the economic impact of divorce on spouses in Hawaii; provided further that the judiciary shall submit a preliminary study to the legislature no later than twenty days prior to the convening of the 1994 regular session.

PART IV. CAPITAL IMPROVEMENTS PROGRAM PROJECTS

SECTION 16. The sum of \$1,393,000 appropriated or authorized in Part II of this Act for capital investment 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 planning, land acquisition, design, construction, and equipment purposes; provided further that the total cost of any projects thus combined shall not exceed the total of the sums specified for the projects separately. The amount indicated after each cost element, and the total funding for each project listed in this Part, is in thousands of dollars.

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's)			
				FISCAL YEAR 1993-94	M O F	FISCAL YEAR 1994-95	M O F
The Judicial System							
JUD201 -ADMIN. DIRECTOR SERVICES							
1.		KOOLAUPOKO DISTRICT COURT, OAHU DESIGN FOR THE KOOLAUPOKO DISTRICT COURT.					
		DESIGN		590			
		TOTAL FUNDING	JUD	590C			C
2.		REMODELING AND UPGRADING JUDICIARY BUILDINGS, STATEWIDE DESIGN, CONSTRUCTION, AND EQUIPMENT FOR REMODELING AND UPGRADING JUDICIARY BUILDINGS, STATEWIDE.					
		DESIGN		40			
		CONSTRUCTION		250			
		EQUIPMENT		13			
		TOTAL FUNDING	JUD	303C			C
3.		HILO JUDICIARY COMPLEX, HAWAII PLANS AND DESIGN FOR A JUDICIARY COMPLEX IN HILO TO ACCOMMODATE THE CIRCUIT, FAMILY, AND DISTRICT COURTS.					
		PLANS		200			
		DESIGN		300			
		TOTAL FUNDING	JUD	500C			C

PART V. CAPITAL IMPROVEMENT PROVISIONS

SECTION 17. Provided that of the general obligation bond fund appropriation for administrative director services (JUD 201), the sum of \$500,000 in fiscal year 1993-94 shall be used for plans and design of the Hilo judiciary complex; provided further that the judiciary defer on the plans and design on its current site and consider alternate sites; provided further that the judiciary shall conduct a study on alternate sites and a feasibility study of each site in terms of total estimated cost for each site; provided further that this report shall be submitted to the legislature no later than twenty days prior to the convening of the 1994 legislative session.

SECTION 18. Any law to the contrary notwithstanding, the appropriations under Act 299, Session Laws of Hawaii 1991, section 13, as amended and re-numbered by Act 301, Session Laws of Hawaii 1992, section 5, in the amounts indicated or balances thereof are hereby lapsed:

<u>"Item No.</u>	<u>Amount (MOF)</u>
JUD 201-1	37,487,000 C
JUD 201-6	900,000 C"

PART VI. ISSUANCE OF BONDS

SECTION 19. 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 \$1,393,000.

PART VII. SPECIAL PROVISIONS

SECTION 20. 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 IV of this Act shall not lapse at the end of the fiscal year for which the appropriations are made; provided that all appropriations for fiscal biennium 1993-1995 which are unencumbered as of June 30, 1996, shall lapse as of that date.

SECTION 21. The judiciary is authorized to delegate to other state or county agencies the acquisition of land, planning, design, construction, and equipment of any capital improvement project when it is determined by the judiciary to be advantageous to do so.

SECTION 22. All unrequired balances in the general obligation bond fund, after the objectives of Part II appropriations for capital investment purposes listed as projects in Part IV have been met, shall be transferred to the judiciary project adjustment fund.

SECTION 23. If the amount allocated from the general obligation bond fund for a capital investment project listed in Part IV 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; and provided further that reports of supplemental allotments and transfers made in the preceding calendar year shall be provided by the judiciary to the legislature by February 1 of the following calendar year.

SECTION 24. The chief justice may authorize reduction in the scope of project when warranted by changing conditions such as reduction in a specific target population; provided that the scope of a project shall not be reduced solely to accommodate the amount of available funding.

SECTION 25. The chief justice shall determine when and the manner in which authorized projects shall be initiated; provided that the chief justice shall from time to time inform the governor of specific amounts required for the projects; and provided further that the governor shall provide for those amounts through the issuance of bonds authorized in Part VI.

SECTION 26. Any provision of law to the contrary notwithstanding, the chief justice may supplement any early-phased cost element of a capital improvement project authorized under this Act from funds appropriated for later-phased cost elements of the same project authorized by the legislature in this Act or in a prior year or which may be authorized by the legislature in the future; provided that the total expenditure for all cost elements shall not exceed the total appropriation for that project.

PART VII. MISCELLANEOUS PROVISIONS AND EFFECTIVE DATE

SECTION 27. 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 28. 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 29. This Act shall take effect on July 1, 1993.

(Approved June 21, 1993.)