

ACT 18

H.B. NO. 14-S

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 1995.

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 funds
- C General obligation bond fund
- N Other federal funds

(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, 1995, and ending June 30, 1997. 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 1995-96	M O F	FISCAL YEAR 1996-97	O F
The Judicial System							
1.	JUD101	COURTS OF APPEAL					
	OPERATING		JUD	78.00*		78.00*	
				4,552,255A		4,552,255A	
2.	JUD111	CIRCUIT COURTS					
	OPERATING		JUD	504.50*		504.50*	
				25,016,905A		25,016,905A	
3.	JUD112	FAMILY COURTS					
	OPERATING		JUD	426.00*		426.00*	
			JUD	26,292,426A		26,242,426A	
				100,000B		100,000B	
4.	JUD121	DISTRICT COURTS					
	OPERATING		JUD	514.50*		514.50*	
				17,482,409A		17,397,668A	
			JUD	53.00*		53.00*	
				1,919,649B		1,919,649B	
5.	JUD201	ADMIN. DIRECTOR SERVICES					
	OPERATING		JUD	249.00*		249.00*	
	INVESTMENT CAPITAL		JUD	14,878,060A		14,705,460A	
				2,359,000C			C

PART III. PROGRAM PROVISIONS

SECTION 4. Provided that of the general fund appropriation for family court (JUD 112), the sum of \$50,000 for fiscal year 1995–96 shall be expended for the repair and maintenance of the existing juvenile detention facility; provided further that a report stating what repairs and maintenance were completed shall be submitted to the legislature on or before June 30, 1996.

SECTION 5. Provided that of the general fund appropriation for family court (JUD 112), a minimum sum of \$369,300 designated for purchase of service for each fiscal year of the fiscal biennium, shall be expended for domestic violence legal hotline and the domestic violence clearinghouse services; and provided further that a status report stating the date and the amount that was provided to the domestic violence legal hotline and the domestic violence clearinghouse shall be submitted to the legislature no later than twenty days prior to the convening of the 1996 and 1997 regular sessions.

SECTION 6. Provided that of the general fund appropriation for district court (JUD 121), the sum of \$36,604 for fiscal year 1995–96 and the sum of \$27,804 for fiscal year 1996–97 shall be expended for the establishment of (1.00) district court clerk III for the 5th circuit; and provided further that the additional duties and responsibilities of this position will be to collect current and outstanding fines.

SECTION 7. Provided that of the general fund appropriation for administrative director services (JUD 201), the sum of \$172,600 for fiscal year 1995–96 shall be expended to purchase security screening and detection equipment for all courts statewide; and provided further that a status report shall be submitted to the legislature no later than twenty days prior to the convening of the 1996 regular session.

SECTION 8. 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; and provided further that the chief justice shall submit to the legislature, no later than twenty days prior to the convening of the 1996 and 1997 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 1995–1997.

SECTION 9. 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, private organization or individual; and provided further that while most federal aid allocations 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 10. Provided that the judiciary is authorized to transfer savings from its general fund appropriation to the driver education special fund to accommo-

date any temporary cash flow deficits; and provided further, that a report shall be submitted to the legislature no later than twenty days prior to the convening of the 1996 and 1997 regular sessions.

PART IV. CAPITAL IMPROVEMENTS PROGRAM PROJECTS

SECTION 11. The sum of \$2,359,000 appropriated or authorized in Part II of this Act for capital improvements program projects 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 implementation; and provided further that the total cost of the projects thus combined shall not exceed the total of the sums 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.)

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's)			
				FISCAL YEAR 1995-96	M O F	FISCAL YEAR 1996-97	M O F
The Judicial System							
JUD201 - ADMIN. DIRECTOR SERVICES							
1.		FAMILY COURT CENTER, KAPOLEI, OAHU					
		PLANS, LAND ACQUISITION, AND DESIGN FOR THE FAMILY COURT CENTER AT KAPOLEI, OAHU.					
		PLANS				135	
		LAND				9	
		DESIGN				1,700	
		TOTAL FUNDING	JUD			1,844C	C
2.		JUVENILE DETENTION CENTER, KAPOLEI, OAHU					
		PLANS, LAND ACQUISITION, AND DESIGN FOR THE JUVENILE DETENTION CENTER AT KAPOLEI, OAHU.					
		PLANS				14	
		LAND				4	
		DESIGN				397	
		TOTAL FUNDING	JUD			415C	C
3.		ARCHITECTURAL BARRIER REMOVAL FOR JUDICIARY BUILDINGS, STATEWIDE					
		PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR THE REMOVAL OF ARCHITECTURAL BARRIERS IN JUDICIARY BUILDINGS, STATEWIDE.					
		PLANS				5	
		DESIGN				25	
		CONSTRUCTION				60	
		EQUIPMENT				10	
		TOTAL FUNDING	JUD			100C	C

PART V. CAPITAL IMPROVEMENTS PROGRAM PROVISIONS

SECTION 12. Provided that of the general obligation bond fund appropriation for administrative director services (JUD 201), the sum of \$1,844,000 for fiscal year 1995–1996 shall be used for plans, land acquisition, and design for the family court center; provided further that the location of the facility shall be parcels number 4 and number 5 at Kapolei, Oahu as designated by the state of Hawaii/Campbell Estate agreements dated April 11, 1989 and September 14, 1994; and provided further that no funds shall be expended unless the state of Hawaii receives title of the land in fee simple terms at no cost and with no contingencies, encumbrances, or deed restrictions other than the land be used for the legislative intent of this section.

SECTION 13. Provided that of the general obligation bond fund appropriation for administrative director services (JUD 201), the sum of \$415,000 for fiscal year 1995–1996 shall be used for plans, land acquisition, and design for the juvenile detention center; provided further that the location of the facility shall be parcels number 4 and number 5 at Kapolei, Oahu as designated by the state of Hawaii/Campbell Estate agreements dated April 11, 1989 and September 14, 1994; and provided further that no funds shall be expended unless the state of Hawaii receives title of the land in fee simple terms at no cost and with no contingencies, encumbrances, or deed restrictions other than the land be used for the legislative intent of this section.

SECTION 14. Act 277, Session Laws of Hawaii 1993, section 16, as amended and renumbered by Act 254, Session Laws of Hawaii 1994, section 5, is amended by amending JUD 201-1 to read:

“1. KOOLAUPOKO DISTRICT COURT, OAHU			
<u>PLANS, LAND ACQUISITION, AND DESIGN FOR</u>			
<u>THE KOOLAUPOKO DISTRICT COURT.</u>			
	<u>PLANS</u>		$\frac{1}{1}$
	<u>LAND</u>		
	<u>DESIGN</u>		
	TOTAL FUNDING	JUD	[590] $\frac{588}{590C}$

PART VI. ISSUANCE OF BONDS

SECTION 15. 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 \$2,359,000.

PART VII. SPECIAL PROVISIONS

SECTION 16. Any law or any provision of this Act to the contrary notwithstanding, the appropriations made for capital improvements program 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 made for fiscal biennium 1995–1997 which are unencumbered as of June 30, 1998, shall lapse as of that date.

SECTION 17. The judiciary is authorized to delegate to other state or county agencies the planning, acquisition of land, design, construction, and equipment of

any capital improvements program project when it is determined by the judiciary to be advantageous to do so.

SECTION 18. The chief justice may authorize reduction in the scope of the 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 19. The chief justice shall determine when and the manner in which authorized capital improvements program 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 of this Act.

SECTION 20. Any law or any provision to the contrary notwithstanding, the chief justice may supplement funds for any cost element for a capital improvements program project authorized under this Act by transferring such sums as may be needed from the funds appropriated for other cost elements of the same project by this Act or by any other prior or future act which have not lapsed, provided that the total expenditure of funds for all cost elements for the project shall not exceed the total appropriation for that project.

PART VII. MISCELLANEOUS PROVISIONS AND EFFECTIVE DATE

SECTION 21. 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 22. 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 23. This Act shall take effect on July 1, 1995.

(Approved June 29, 1995.)