

ACT 155

H.B. NO. 1390

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 and may be cited as the Judiciary Appropriations Act of 1997.

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 funds
- B Special funds
- C General obligation bond funds
- N Other federal funds
- W Revolving 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, 1997, and ending June 30, 1999. 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 1997-98	M O F	FISCAL YEAR 1998-99	M O F
The Judicial System							
1.	JUD101	COURTS OF APPEAL					
	OPERATING		JUD	75.00*		75.00*	
			JUD	4,549,199A		4,466,346A	
				75,000W		75,000W	
2.	JUD111	CIRCUIT COURTS					
	OPERATING		JUD	481.50*		485.50*	
				25,715,448A		25,681,171A	
3.	JUD112	FAMILY COURTS					
	OPERATING		JUD	409.00*		409.00*	
			JUD	25,659,213A		25,368,747A	
				100,000B		100,000B	
4.	JUD121	DISTRICT COURTS					
	OPERATING		JUD	491.50*		491.50*	
				17,001,151A		16,906,930A	
			JUD	35.00*		35.00*	
				1,536,735B		1,536,735B	
5.	JUD201	ADMIN. DIRECTOR SERVICES					
	OPERATING		JUD	223.00*		223.00*	
				14,566,218A		14,586,705A	

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS			
				FISCAL YEAR 1997-98	M O F	FISCAL YEAR 1998-99	M O F
			JUD	800,000B		800,000B	
		INVESTMENT CAPITAL	JUD	10,590,000C		8,900,000C	

PART III. PROGRAM PROVISIONS

SECTION 4. Provided that of the general fund appropriation for circuit court (JUD 111), the sum of \$1,417,087 for fiscal year 1997-1998 and the sum of \$1,417,087 for fiscal year 1998-1999 shall be used for purchases of services.

SECTION 5. Provided that of the general fund appropriation for family court (JUD 112), the sum of \$318,750 for the fiscal year 1997-1998 shall be used for purchases of service to obtain services for the operation of a domestic violence drop-in center.

SECTION 6. Provided that of the general fund appropriation for family court (JUD 112), the sum of \$983,000 for fiscal year 1997-1998 and the sum of \$983,000 for fiscal year 1998-1999 shall be used for purchases of service for domestic violence.

SECTION 7. Provided that of the general fund appropriation for family court (JUD 112), the sum of \$5,115,430 for fiscal year 1997-1998 and the sum of \$5,115,430 for fiscal year 1998-1999 shall be used for purchases of services.

SECTION 8. Provided that of the general fund appropriations for administrative director services (JUD 201), the sum of \$407,593 in fiscal year 1997-1998 and the sum of \$434,810 for fiscal year 1998-1999 may be used to fund workers' compensation costs for the judiciary employees.

SECTION 9. Provided that of the general fund appropriation for administrative director services, the sum of \$424,650 for fiscal year 1997-1998 and the sum of \$424,650 for fiscal year 1998-1999 shall be used for purchases of services.

SECTION 10. 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 that no transfer shall be made to implement any collective bargaining contract signed after this legislature adjourns sine die.

SECTION 11. 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 12. 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.

PART IV. CAPITAL IMPROVEMENTS PROGRAM PROJECTS

SECTION 13. The sum of \$19,490,000 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 1997-98	M O F	FISCAL YEAR 1998-99	M O F
The Judicial System							
JUD201 - ADMIN. DIRECTOR SERVICES							
1. HILO JUDICIARY COMPLEX, HAWAII							
		LAND ACQUISITION AND DESIGN FOR A JUDICIARY COMPLEX IN HILO, HAWAII.					
		LAND DESIGN			1		
		TOTAL FUNDING	JUD		3,000		
						3,001C	C
2. KAPUAIWA BUILDING RENOVATION, OAHU							
		DESIGN, CONSTRUCTION AND EQUIPMENT FOR THE RENOVATION OF THE KAPUAIWA BUILDING, OAHU.					
		DESIGN			75		
		CONSTRUCTION			700		
		EQUIPMENT			10		
		TOTAL FUNDING	JUD			785C	C
3. HOAPILI HALE UPGRADE IMPROVEMENT, MAUI							
		DESIGN, CONSTRUCTION AND EQUIPMENT FOR UPGRADE IMPROVEMENTS AT HOAPILI HALE, MAUI.					
		DESIGN			10		

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's)			
				FISCAL YEAR 1997-98	M O F	FISCAL YEAR 1998-99	M O F
		CONSTRUCTION			1,200		
		TOTAL FUNDING	JUD		1,210C		
4.		ARCHITECTURAL BARRIER REMOVAL FOR JUDICIARY BUILDINGS, STATEWIDE					
		PLANS, DESIGN, CONSTRUCTION AND EQUIPMENT FOR THE REMOVAL OF ARCHITECTURAL BARRIERS IN JUDICIARY BUILDINGS, STATEWIDE.					
		PLANS			1		
		DESIGN			1		
		CONSTRUCTION			747		
		EQUIPMENT			1		
		TOTAL FUNDING	JUD		750C		
5.		REMODELING AND UPGRADING JUDICIARY BUILDING, STATEWIDE					
		DESIGN, CONSTRUCTION AND EQUIPMENT FOR REMODELING AND UPGRADING JUDICIARY BUILDINGS, STATEWIDE.					
		PLANS			10		
		DESIGN			15		
		CONSTRUCTION			210		
		EQUIPMENT			15		
		TOTAL FUNDING	JUD		250C		
6.		KOOLAUPOKO DISTRICT COURT FACILITY, OAHU					
		PLANS, DESIGN AND CONSTRUCTION FOR THE DEVELOPMENT OF A NEW KOOLAUPOKO DISTRICT COURT.					
		PLANS			1		
		DESIGN			589		
		CONSTRUCTION					8,900
		TOTAL FUNDING	JUD		590C		8,900C
7.		ALI'IOLANI HALE ROOF AND STRUCTURAL IMPROVEMENTS, OAHU					
		PLANS, DESIGN AND CONSTRUCTION FOR ROOF AND STRUCTURAL IMPROVEMENTS AT ALI'IOLANI HALE, OAHU.					
		PLANS			1		
		DESIGN			1		
		CONSTRUCTION			606		
		TOTAL FUNDING	JUD		608C		
8.		KAAHUMANU HALE ROOF IMPROVEMENTS, OAHU					
		PLANS, DESIGN, CONSTRUCTION AND EQUIPMENT FOR ROOF AND AIR CONDITIONING IMPROVEMENTS AT KAAHUMANU HALE, OAHU.					
		PLANS			1		
		DESIGN			1		
		CONSTRUCTION			497		
		EQUIPMENT			1		
		TOTAL FUNDING	JUD		500C		
9.		JUVENILE DETENTION CENTER FACILITIES IMPROVEMENTS, OAHU					

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's)			
				FISCAL YEAR 1997-98	M O F	FISCAL YEAR 1998-99	M O F
		PLANS, DESIGN, CONSTRUCTION AND EQUIPMENT FOR HO'OMALU HALE IMPROVEMENTS INCLUDING STRUCTURAL IMPROVEMENTS, SECURITY FENCING, AND PAINTING, OAHU.					
		PLANS			1		
		DESIGN			1		
		CONSTRUCTION			260		
		EQUIPMENT			1		
		TOTAL FUNDING	JUD		263C		C
10.		FAMILY COURT CENTER AND JUVENILE DETENTION FACILITY, KAPOLEI, OAHU					
		DESIGN FOR THE FAMILY COURT CENTER AND JUVENILE DETENTION FACILITY AT KAPOLEI, OAHU.					
		DESIGN			2,633		
		TOTAL FUNDING	JUD		2,633C		C

PART V. ISSUANCE OF BONDS

SECTION 14. 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 \$19,490,000.

PART VI. CAPITAL IMPROVEMENT PROGRAM PROVISOS

SECTION 15. Provided that of the general obligation bond fund appropriation for administrative director services (JUD 201), the sum of \$2,633,000 for fiscal year 1997-1998 shall be used for design of the family court center and juvenile detention facility; provided further that the location of the facilities shall be 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 plans, land acquisition, design and construction for the family court center and juvenile detention center shall be through the normal design/construction method, purchase, lease back/purchase option agreement and/or the design/build process.

SECTION 16. Part V, Act 18, Session Laws of Hawaii 1995, First Special Session, as amended by Act 244, Session Laws of Hawaii 1996, is amended by amending section 12 to read:

“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 1995-96 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;¹] and provided further that plans, land acquisition, design, and construction for the family court center shall be through the normal design/construction method, purchase, lease back/purchase option agreement and/or the design/build process.^{2,3}

SECTION 17. Part V, Act 18, Session Laws of Hawaii 1995, First Special Session, as amended by Act 244, Session Laws of Hawaii 1996, is amended by amending section 13 to read:

“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 1995-96 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 for construction,¹ 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;] and provided further that plans, land acquisition, design, and construction for the juvenile detention center shall be through the normal design/construction method, purchase, lease back/purchase option agreement and/or the design/build process.^{2,3}”

PART VII. SPECIAL PROVISIONS

SECTION 18. 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 year 1997-1998 and fiscal year 1998-1999 which are unencumbered as of June 30, 2000, shall lapse as of that date.

SECTION 19. 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 20. All unrequired balances in the general obligation bond fund, after the objectives of part II appropriations for capital improvements program purposes listed as projects in part IV have been met, shall be transferred to the judiciary project adjustment fund.

SECTION 21. If the amount allocated from the general obligation bond fund for a capital improvements program project listed in part IV of this Act is insufficient, the chief justice may make supplemental allotments from the project adjust-

ment fund; provided that supplemental allotments shall not be used to increase the scope of the project.

SECTION 22. Where it has been determined that changed conditions, such as reduction in the particular population being served, permit the reduction in the scope of a project listed in part IV, the chief justice may authorize such reduction of project scope; provided that the scope of a project shall not be reduced solely to accommodate the amount of available funding.

SECTION 23. The chief justice shall determine when and the manner in which the authorized capital improvements program projects shall be initiated. The chief justice shall notify the governor from time to time of the specific amounts required for the projects, and the governor shall provide for those amounts through the issuance of bonds authorized in part VI of this Act.

SECTION 24. 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 VIII. MISCELLANEOUS PROVISIONS AND EFFECTIVE DATE

SECTION 25. 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 26. 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 27. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 28. This Act shall take effect on July 1, 1997.

(Approved June 16, 1997.)

Notes

1. So in original.
2. Period should be underscored.