

ACT 120

H.B. NO. 808

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 2003.

SECTION 2. Unless otherwise clear from the context, as used in this Act: (a) "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
- W Revolving funds

(b) "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.

(c) "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.

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, 2003, and ending June 30, 2005. 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 2003-04	M O F	FISCAL YEAR 2004-05	M O F
The Judicial System							
1.	JUD101	COURTS OF APPEAL					
	OPERATING		JUD	76.00*		76.00*	
			JUD	5,874,885A		5,816,875A	
				243,261W		243,261W	
2.	JUD310	FIRST JUDICIAL CIRCUIT					
	OPERATING		JUD	990.50*		990.50*	
			JUD	56,413,035A		56,402,835A	
			JUD	35.00*		35.00*	
			JUD	3,112,683B		3,112,683B	
3.	JUD320	SECOND JUDICIAL CIRCUIT					
	OPERATING		JUD	194.00*		194.00*	
			JUD	11,428,602A		11,428,602A	
4.	JUD330	THIRD JUDICIAL CIRCUIT					
	OPERATING		JUD	198.00*		198.00*	
			JUD	13,730,441A		13,730,441A	
5.	JUD350	FIFTH JUDICIAL CIRCUIT					
	OPERATING		JUD	81.00*		90.00*	
			JUD	4,794,217A		5,138,583A	
6.	JUD601	ADMINISTRATION					
	OPERATING		JUD	260.00*		260.00*	
			JUD	18,681,566A		18,693,058A	
			JUD	1.00*		1.00*	
	INVESTMENT CAPITAL		JUD	3,430,261B		3,430,261B	
			JUD	2,710,000C		445,000C	

PART III. PROGRAM PROVISIONS

SECTION 4. Provided that of the general fund appropriation for courts of appeal (JUD 101), the sum of \$143,533 for fiscal year 2003-2004 and \$143,533 for fiscal year 2004-2005 shall be expended on dues and subscriptions for the law library; provided further that any funds not utilized by the law library for dues and subscriptions shall be lapsed back into the general fund; provided further that the judiciary shall submit a report to the legislature detailing all expenditures by the law library on dues and subscriptions; and provided further that this report shall be submitted to the legislature no later than twenty days prior to the convening of the 2004 and 2005 regular sessions.

SECTION 5. Provided that of the general fund appropriation for first judicial circuit (JUD 310), the sum of \$574,420 for fiscal year 2003-2004 and \$564,220 for fiscal year 2004-2005 shall be expended only for the continuation of the juvenile drug court program; provided further that the judiciary shall submit a report on all expenditures; provided further that this report shall include but not be limited to the progress of the juvenile drug court program, number of individuals in these programs, the success and failure rate of the program, and cost per individual; provided further that all unexpended funds shall lapse into the general fund; and provided

further that this report shall be submitted to the legislature no later than twenty days prior to the convening of the 2004 and 2005 regular sessions.

SECTION 6. Provided that the judiciary shall submit a report on all revenues and expenditures from the judiciary computer system special fund; provided further that this report shall be submitted to the legislature no later than twenty days prior to the convening of the 2004 and 2005 regular sessions.

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.

SECTION 8. Provided that the judiciary shall submit a report on all positions re-described and the justification for each re-description to the legislature no later than twenty days prior to the convening of the 2004 and 2005 regular sessions.

SECTION 9. 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 10. 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.

PART IV. CAPITAL IMPROVEMENT PROJECTS

SECTION 11. The sum of \$3,155,000 appropriated or authorized in part II of this Act for capital improvement 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.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's)			
			FISCAL YEAR 2003-04	M O F	FISCAL YEAR 2004-05	M O F
JUDICIAL SYSTEM						
JUD601 - ADMINISTRATION						
1.	KAPUAIWA BUILDING RENOVATION, OAHU					
	DESIGN, CONSTRUCTION, AND EQUIPMENT FOR INTERIOR ALTERATIONS AND OTHER IMPROVEMENTS AT THE KAPUAIWA BUILDING, OAHU.					
	DESIGN			30		
	CONSTRUCTION			600		
	EQUIPMENT			20		
	TOTAL FUNDING	JUD		650C		C
2.	KAUIKEAOULI HALE ROOF, PARAPET, AND FIRE ALARM SYSTEM IMPROVEMENTS, OAHU					
	PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR ROOF, PARAPET, AND FIRE ALARM SYSTEM IMPROVEMENTS AT KAUIKEAOULI HALE, OAHU.					
	PLANS			1		1
	DESIGN			133		30
	CONSTRUCTION			800		413
	EQUIPMENT			1		1
	TOTAL FUNDING	JUD		935C		445C
3.	KEAKEALANI BUILDING COURT FACILITIES IMPROVEMENTS, HAWAII					
	PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR GENERAL IMPROVEMENTS TO JUDICIARY FACILITIES AT THE KEAKEALANI BUILDING IN KEALAKEKUA, HAWAII.					
	PLANS			5		
	DESIGN			20		
	CONSTRUCTION			100		
	EQUIPMENT			25		
	TOTAL FUNDING	JUD		150C		C
4.	REMODELING AND UPGRADING OF JUDICIARY FACILITIES, STATEWIDE					
	PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR REMODELING AND UPGRADING JUDICIARY BUILDINGS, STATEWIDE.					
	PLANS			5		
	DESIGN			70		
	CONSTRUCTION			415		
	EQUIPMENT			10		
	TOTAL FUNDING	JUD		500C		C
5.	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			34		

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000's)			
			FISCAL YEAR 2003-04	M O F	FISCAL YEAR 2004-05	M O F
	CONSTRUCTION			150		
	EQUIPMENT			40		
	TOTAL FUNDING	JUD		225C		C
6.	WAHIAWA COURT FACILITY, OAHU					
	PLANS FOR A NEW PERMANENT COURT FACILITY FOR WAHIAWA, OAHU.					
	PLANS			100		
	TOTAL FUNDING	JUD		100C		C
7.	LEGAL AID SOCIETY OF HAWAII, OAHU					
	DESIGN AND CONSTRUCTION FOR THE RENOVATION OF THE LEGAL AID SOCIETY OF HAWAII'S BETHEL STREET OFFICE. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.					
	DESIGN			1		
	CONSTRUCTION			149		
	TOTAL FUNDING	JUD		150C		C

PART V. ISSUANCE OF BONDS

SECTION 12. 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 \$3,155,000.

PART VI. SPECIAL PROVISIONS

SECTION 13. Any law or any provision of this Act to the contrary notwithstanding, the appropriations made for capital improvement 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 2003-2004 and fiscal year 2004-2005 which are unencumbered as of June 30, 2006, shall lapse as of that date.

SECTION 14. The judiciary is authorized to delegate to other state or county agencies the planning, acquisition of land, design, construction, and equipment of any capital improvement project when it is determined by the judiciary to be advantageous to do so.

SECTION 15. 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 16. If the amount allocated from the general obligation bond fund for a capital improvement project listed in part IV of this Act is insufficient, the chief justice may make supplemental allotments from the project adjustment fund; pro-

vided that supplemental allotments shall not be used to increase the scope of the project.

SECTION 17. 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.

SECTION 18. The chief justice shall determine when and the manner in which the authorized capital improvement 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 V of this Act.

SECTION 19. Any law or any provision to the contrary notwithstanding, the chief justice may supplement funds for any cost element for a capital improvement 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 20. 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 21. 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 22. This Act shall take effect on July 1, 2003.

(Approved June 2, 2003.)