

A Bill for an Act Relating to the Judiciary Budget.

Be It Enacted by the Legislature of the State of Hawaii:

PART I. GENERAL PROVISIONS

SECTION 1. **Short Title.** This Act shall be known as the Judiciary Appropriations Act of 1979.

SECTION 2. **Definitions.** 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. **Appropriations.** 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, 1979 and ending June 30, 1981. The total

expenditures and the number of permanently established positions 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.

Item No.	Program	Program ID	FY 1979-80	M O F	FY 1980-81	M O F	Total Biennium 1979-81	M O F
THE JUDICIAL SYSTEM								
	Court Operations							
1	Court of Appeals Operating	JUD 101	39.00*		39.00*			
			973,683A		1,026,614A		2,000,297A	
2	Land Court/Tax Court Operating	JUD 102	3.00*		3.00*			
			68,787A		68,987A		137,774A	
3	Circuit Courts Operating	JUD 111	224.00*		224.00*			
			5,174,557A		5,265,090A		10,439,647A	
			129,788N		134,424N		264,212N	
4	Family Courts Operating	JUD 112	203.50*		203.50*			
			4,323,249A		4,413,199A		8,736,448A	
			150,183N		155,353N		305,536N	
5	District Courts Operating	JUD 121	325.00*		326.00*			
			5,455,519A		5,589,596A		11,045,115A	
Support Services								
6	Administrative Director Services Operating	JUD 201	53.00*		53.00*			
			1,816,862A		1,869,559A		3,686,421A	
	Investment: Capital		5,339,000C		C		5,339,000C	
7	Law Library Operating	JUD 202	8.00*		8.00*			
			362,431A		401,423A		763,854A	
8	Driver Education and Training Operating	JUD 221	42.00*		42.00*			
			618,000B		636,996B		1,254,996B	
9	Criminal Justice Information System Data Center Operating	JUD 231	8.00*		13.00*			
			201,906A		347,173A		549,079A	
			5.00*					
			233,611N		N		233,611N	

SECTION 4. 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.

SECTION 5. 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 research and development and operating purposes; provided that such transfer shall be with the prior concurrence of the President of the Senate and the Speaker of the House of Representatives; provided further, that such transfer shall not be made to implement any collective bargaining contracts signed after this Legislature adjourns sine die.

SECTION 6. Where the chief justice or any agency or any government unit is able to secure federal funds or other property made available 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 agency with the chief justice's approval shall have the power to enter into such undertaking with the proper offices or agencies of the federal government or private organization or individuals. While most federal aid allocations are known and state matching funds are provided in this Act, there may be programs for which federal-state cost sharing is not yet determined. In such instances, the availability of federal funds shall be construed as a proportionate reduction of state costs whenever possible.

SECTION 7. Provided, that of the general fund appropriation for the Administrative Director Services Program (JUD 201), \$15,000 in each fiscal year of the biennium shall be used for a judicial selection commission.

SECTION 8. Provided, that of the general fund appropriation for the Administrative Director Services Program (JUD 201), \$5,000 in each fiscal year of the biennium shall be used for a commission on judicial discipline.

SECTION 9. All grants to private organizations in this Act are made in accordance with the following standards:

- (1) The private programs so funded yield direct benefits to the public and realize public purposes;
- (2) The private organizations so funded agree to the following conditions:
 - (A) To comply with all applicable federal and state laws prohibiting discrimination against any person, on the grounds of race, color, national origin, religion, creed, sex, or age, in employment and any condition of employment with the recipient or in participation in the benefits of any program or activity funded by the State;
 - (B) To comply with all applicable licensing requirements of the state and federal governments, and with all applicable accreditation and other standards of quality generally accepted in the field of the recipient's activities;
 - (C) To have in its employ or under contract such persons as are professionally qualified to engage in the activity funded by the State;
 - (D) To comply with such other requirements as the Administrative Director of Courts may prescribe to ensure adherence by the provider or recipient with federal and state laws and to ensure quality in the service or activity rendered by the recipient; and
- (3) The private organizations so funded, as a condition to receiving such grants shall allow the expending or related agency full access to their records, files, reports, and other related areas in order that the agency may assist them to improve their management and fiscal practices.

SECTION 10. Provided, that of the general fund appropriation for District Courts (JUD 121), \$83,724 for fiscal year 1979-80 and \$87,528 for fiscal year 1980-81 shall be used for a contract with the Department of the Attorney General to provide for security services.

PART III. CAPITAL IMPROVEMENT PROJECTS

SECTION 11. Capital Improvement Projects. The sum of \$5,339,000 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 combination is advantageous or convenient, for 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 project separately. (The amount after each cost element and the total funding for each project listed in this part are in thousands dollars and are to be expended by the judiciary.)

Item No.	Program and Capital Project	Program ID	FY		Total Biennium	
			1979-80	M O F	1980-81	M O F
THE JUDICIAL SYSTEM						
	Support Services					
	Administrative Director Services	JUD 201				
1	State Judiciary Complex, Oahu					
	Land acquisition for the State Judiciary Complex.					
	Land Acquisition		2,434			2,434
	Total Funding		2,434C		C	2,434C
2	Honolulu District Court, Oahu					
	Land acquisition, design, construction and furnishing of facilities for the Honolulu District Court within the State Capitol Complex.					
	Land Acquisition		500			500
	Construction		2,200			2,200
	Total Funding		2,700C		C	2,700C
3	Additions to the Kona District Court, Hawaii					
	Renovation to the Kona District Court in order to provide additional office space to accommodate the expanded operational needs of the Kona District Court.					
	Design		15			15
	Construction		66			66
	Total Funding		81C		C	81C
4	Remodeling and Upgrading Judiciary Buildings, Statewide					
	Design, construction and furnishing of equipment to remodel and upgrade Judiciary buildings statewide.					
	Design		12			12
	Construction		60			60
	Equipment		2			2
	Total Funding		74C		C	74C

Item No.	Program and Capital Project	Program ID	FY		FY		Total
			1979-80	M O F	1980-81	M O F	Biennium 1979-81
5	South Kohala District Court, Hawaii						
	Design of the South Kohala District Court in the Waimea Civic Center.						
	Design		30				30
	Total Funding		30C		C		30C
6	Renovation of Lahaina District Court, Maui						
	Renovation and furnishing of the second floor of the Lahaina Courthouse to accommodate the District Court.						
	Plans		20				20
	Total Funding		20C		C		20C

PART IV. ISSUANCE OF BONDS

SECTION 12. General Obligation Bonds. 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 \$5,339,000.

PART V. SPECIAL PROVISIONS

SECTION 13. 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 III of this Act shall not lapse at the end of the fiscal year for which the appropriation is made; provided that all appropriations made to be expended in fiscal year 1979-80 which are unencumbered as of June 30, 1982 shall lapse as of that date.

SECTION 14. The judiciary is authorized to delegate to other State or County agencies the acquisition of land, planning, design, and construction of any capital improvement project when it is determined by the judiciary that it is an advantage to do so.

SECTION 15. All unrequired balances after the objectives of appropriations made in Part II for capital investment purposes from the general obligation fund and listed as projects in Part III have been met, shall be transferred to the judiciary project adjustment fund.

SECTION 16. In the event that the amount specified for a capital investment project listed in Part III is insufficient and where the source of funding for the project is designated as the general obligation bond fund, the chief justice may make supplemental allotments from the project adjustment fund; provided that such supplemental allotments shall not be used to increase the scope of the project; provided further that a report of such supplemental allotments and transfers into the judiciary project adjustment fund as provided by section 14 for the period ending December 31 of each calendar year shall be made to the President of the Senate and the Speaker of the House of Representatives by February 1 of the following calendar year.

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 III, the chief justice may authorize such reduction of project scope; provided that the scope of a project shall not be reduced merely because the appropriation for the project is insufficient.

SECTION 18. The chief justice shall determine when and the manner in which the authorized projects shall be initiated. He shall notify the governor from time to time of the specific amounts required for the projects, and the governor shall provide for such amounts through the issuance of bonds authorized in Part IV.

PART VI. MISCELLANEOUS PROVISIONS AND EFFECTIVE DATE

SECTION 19. **Severability.** 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 20. **Manifest errors.** 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 21. **Effective date.** This Act shall take effect on July 1, 1979.

(Approved June 9, 1979.)