

ACT 2

H.B. NO. 2

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 1981.

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 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 from the sources of funding specified to the judiciary for the fiscal biennium beginning July 1, 1981 and ending June 30, 1983. 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.

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Item No.	Program	Program ID	FY 1981-82 M O F	FY 1982-83 M O F	Total Biennium 1981-83 M O F
THE JUDICIAL SYSTEM					
Court Operations					
1	Court of Appeals Operating	JUD 101	40.00* 1,268,363A	40.00* 1,309,450A	2,577,813A
2	Land Court/Tax Court Operating	JUD 102	4.00* 90,164A	4.00* 100,013A	190,177A
3	Circuit Courts Operating	JUD 111	248.00* 5,928,121A 108,000N	248.00* 6,271,777A 115,500N	12,199,898A 223,500N
4	Family Courts Operating	JUD 112	221.50* 5,507,325A 109,323N	221.50* 5,878,346A 112,507N	11,385,671A 221,830N
5	District Courts Operating	JUD 121	379.00* 6,816,304A	390.00* 8,446,204A	15,262,508A
Support Services					
6	Administrative Director Services Operating Investment: Capital	JUD 201	69.00* 3,067,696A 15,340,000C	69.00* 2,545,061A C	5,612,757A 15,340,000C
7	Law Library Operating	JUD 202	8.00* 444,075A	8.00* 460,374A	904,449A
8	Driver Education and Training Operating	JUD 221	43.00* 668,453B	43.00* 688,940B	1,357,393B

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 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 deter-

mined. 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), \$25,000 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. Provided that of the general fund appropriation for the Administrative Director Services Program (JUD 201), \$33,000 in fiscal year 1981-82 shall be used for the task force for the study of laws relating to guardianship, civil commitment, and protective services for the development of proposals for reform of the laws relating to civil commitment in the state.

PART III. CAPITAL IMPROVEMENT PROJECTS

SECTION 10. **Capital Improvement Projects.** The sum of \$15,340,000 appropriated 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 projects 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 1981-82	M O F	FY 1982-83	M O F	Total Biennium 1981-83	M O F
THE JUDICIAL SYSTEM								
	Support Services							
	Administrative Director Services	JUD 201						
1	Honolulu District Court, Oahu							
	Design, construction and furnishing of facilities for the Honolulu District Court within the State Capitol Complex.							
	Design		71				71	
	Construction		125				125	
	Equipment		1,154				1,154	
	Total Funding		1,350C				1,350C	
2	State Judiciary Complex, Oahu							
	Design and furnishing for the State Judiciary Complex.							
	Design		92				92	
	Total Funding		92C				92C	

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Item No.	Program and Capital Project	Program ID	Total		
			FY 1981-82	M O F	Biennium 1981-83
3	Wailuku Judiciary Complex, Maui Design, construction and furnishing of a Judiciary Complex consisting of the Wailuku District Court and Second Circuit Court in the Wailuku Civic Center.				
	Design		221		221
	Construction		11,809		11,809
	Equipment		41		41
	Total Funding		12,071C		12,071C
4	Remodeling and Upgrading Judiciary Buildings, Statewide Design, construction and furnishing of equipment to remodel and upgrade Judiciary buildings statewide.				
	Design		35		35
	Construction		125		125
	Equipment		5		5
	Total Funding		165C		165C
5	Advance Planning Judiciary Advance planning for statewide Judiciary facilities planning projects.				
	Plans		10		10
	Total Funding		10C		10C
6	Renovation of Ali'iolani Hale, Phase II, Oahu Design for the renovation of Ali'iolani Hale to accommodate the Supreme Court Clerk's Office, Law Library and the Administrative Director's Office.				
	Design		670		670
	Total Funding		670C		670C
7	South Kohala District Court, Hawaii Construction and furnishing of the South Kohala District Court in the Waimea Civic Center.				
	Construction		560		560
	Equipment		37		37
	Total Funding		597C		597C
8	Renovation of Lahaina District Court, Maui Renovation and furnishing of the second floor of the Lahaina Courthouse to accommodate the District Court.				
	Construction		318		318
	Equipment		18		18
	Total Funding		336C		336C

Item No.	Program and Capital Project	Program ID	Total Biennium		
			FY 1981-82	FY 1982-83	1981-83
9	Molokai District Court, Molokai Design, construction and furnishing of the District Court in the Kaunakakai Civic Center.				
	Design		49		49
	Total Funding		49C		49C

PART IV. SPECIAL PROVISIONS

SECTION 11. Any law or any provision of this Act to the contrary notwithstanding, the appropriations made for capital investment projects 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 biennium 1981-83 which are unencumbered as of June 30, 1984 shall lapse as of that date.

SECTION 12. 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 13. 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 14. 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 13 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 15. 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 16. 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.

PART V. MISCELLANEOUS PROVISIONS AND EFFECTIVE DATE

SECTION 17. Severability. If any portion of this Act or its application to any person or circumstances is held to be valid 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 18. 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 19. Effective date. This Act shall take effect on July 1, 1981.

(Approved June 29, 1981.)