

ACT 169

H.B. NO. 99

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. Short Title. This Act shall be known as the Judiciary Appropriations Act of 1985.

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, 1985 and ending June 30, 1987. The total expenditures and the number of permanent 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 1985-86	M O F	FY 1986-87	M O F	Total Biennium 1985-87	M O F
	THE JUDICIAL SYSTEM							
1	Court Operations							
	Courts of Appeal	JUD 101	59.00*		59.00*			
	Operating		2,650,649A		2,650,649A		5,301,298A	
2	Circuit Courts	JUD 111	319.00*		319.00*			
	Operating		11,143,803A		11,143,803A		22,287,606A	
			154,317N		162,033N		316,350N	
3	Family Courts	JUD 112	276.50*		276.50*			
	Operating		9,766,712A		9,766,712A		19,533,424A	
			184,800N		184,800N		369,600N	
4	District Courts	JUD 121	617.50*		617.50*			
	Operating		13,576,111A		13,576,111A		27,152,222A	
			52.00*		53.00*			
			1,251,052B		1,272,944B		2,523,996B	
	Support Services							
5	Administrative Director Services	JUD201	114.00*		114.00*			
	Operating		7,263,587A		7,263,587A		14,527,174A	
	Investment:	Capital	13,014,000C		300,000C		13,314,000C	

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 contract signed after this legislature adjourns sine die; provided further that a report of all such transfers shall be

made to the legislature twenty days prior to the convening of the 1986 regular session.

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 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. Provided, further, that all such transfers for the prior fiscal year shall be reported to the legislature at the beginning of each fiscal year.

SECTION 8. Provided that the judiciary shall lapse at the close of each fiscal year, an amount equal to workers' compensation benefits paid in lieu of general fund salary costs; provided further that the judiciary shall prepare a report of the general fund salary cost savings lapsed at the end of fiscal year 1984-85 due to workers' compensation benefits paid; provided further that the report shall contain the amounts lapsed by program ID; provided further that the report shall be submitted to the legislature twenty days prior to the convening of the 1986 regular session.

SECTION 9. (a) Provided that for purchases of service, for which funds are appropriated within the judiciary, a report shall be submitted to the legislature twenty days prior to the convening of the 1986 regular session; provided further that the report shall contain the following:

- (1) A listing of all agencies/activities contracted during the fiscal year 1985-86, the amount of the contract by activity, and the source of funding.
 - (2) An evaluation of each agency/activity funded in fiscal year 1984-85 including a statement of program accomplishments.
- (b) Provided further that in submitting the fiscal year 1986-87 supplemental budget request to the 1986 legislature, all requests for grants, subsidies, and purchases of service shall include the following budget details;
- (1) A listing of all agencies/activities recommended for funding in fiscal year 1986-87, including identification of sources of funding; and
 - (2) A listing of any changes in funding from fiscal year 1985-86 and the reasons for the changes.

PART III. CAPITAL IMPROVEMENT PROJECTS

SECTION 10. Capital Improvement Projects. The sum of \$13,314,000 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

ACT 169

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	M	O	M	O	Total M
			FY 1985-86F	FY 1986-87F	FY 1986-87F	Biennium 1985-87 F	
	THE JUDICIAL SYSTEM						
	Support Services						
	Administrative						
	Director						
	Services						
	JUD 201						
1	Hilo Judiciary Complex, Hawaii						
	Land acquisition of a Judiciary Complex in Hilo to accommodate the Circuit, Family and District Courts.						
	Land Acquisition		2,034				2,034
	Total Funding		2,034C				2,034C
2	Lahaina District Court, Maui						
	Construction of a new Lahaina District Court.						
	Construction		158				158
	Total Funding		158C		C		158C
3	Judiciary Complex Garage, Oahu						
	Construction of a parking facility in the Reed Lane area of the State Judiciary Complex.						
	Construction		9,080				9,080
	Total Funding		9,080C		C		9,080C
4	Remodeling and Upgrading Judiciary Buildings, Statewide						
	Design, construction and furnishing of equipment to remodel and upgrade Judiciary buildings, statewide.						
	Design		60		60		120
	Construction		230		230		460
	Equipment		10		10		20
	Total Funding		300C		300C		600C
5	Advance Planning Judiciary						
	Advance planning for statewide Judiciary facilities planning projects.						
	Plans		20				20
	Total Funding		20C		C		20C

Item No.	Program and Capital Project	Program ID	M		M		Total M BienniumO 1985-87 F
			FY O	1985-86F	FY O	1986-87F	
6	Wahiawa District Court, Oahu Design, construction and furnishing of the Wahiawa District Courthouse						
	Design		32				32
	Construction		1,320				1,320
	Equipment		70				
	Total Funding		1,422C		C		1,422C

PART IV. ISSUANCE OF BONDS

SECTION 11. 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 \$13,314,000.

PART V. SPECIAL PROVISIONS

SECTION 12. 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 biennium 1985-87 which are unencumbered as of June 30, 1988 shall lapse as of that date.

SECTION 13. 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 14. 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 15. 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 12 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 16. 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 17. 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 18. **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 19. **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 20. **Effective date.** This Act shall take effect on July 1, 1985.

(Approved June 1, 1985.)