

ACT 197

S.B. NO. 1281

A Bill for an Act Making Appropriations to the Judiciary for the Fiscal Biennium July 1, 1975 to June 30, 1977 and Authorizing the Issuance of Bonds.

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 1975.

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.

(b) "Source of funding" 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 enclosed in parentheses. Such letter symbols, where used, shall have the following meanings:

- A General fund
- B Special fund
- 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 denoted 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 or funding specified to the judiciary for the fiscal biennium beginning July 1, 1975 and ending June 30, 1977. The total expenditures and the number of positions in each fiscal year of the biennium shall not exceed the sums and the position ceilings indicated for each year, except as provided in this Act.

Item No.	Program	FY 1975-76	FY 1976-77	Total biennium 1975-77
	The Judicial System			
	Court Operations			
1	Supreme Court Operating	22.00* 472,664A	22.00* 475,812A	948,476A
2	Land Court/Tax Court Operating	3.00* 56,016A	3.00* 55,998A	112,014A
3	Circuit Courts Operating	182.00* 3,420,380A	182.00* 3,475,549A	6,895,929A
4	Family Courts Operating	187.50* 3,168,941A	187.50* 3,195,146A	6,364,087A
5	District Courts Operating	251.00* 3,368,600A	259.00* 3,443,988A	6,812,588A
	Investment: Capital	1,088,000C		1,088,000C
	Support Services			
6	Administrative Director Services Operating	20.00* 660,944A	20.00* 701,676A	1,362,620A
	Investment: Capital	231C		231C
7	Law Library Operating	6.00* 209,660A	6.00* 204,102A	413,762A
8	Driver Education and Training Operating	31.00* 386,484B	42.00* 474,777B	861,261B

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. Unless otherwise provided in this Act, the chief justice is authorized to transfer not to exceed funds from 20 per cent appropriations 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 individual, 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 the proper offices or agencies of the federal government or private organization or individuals. While most federal-aid allocations are known and local matching funds are provided in this Act, there may be programs for which federal-local cost sharing is not yet determined. In such cases, the availability of federal funds shall be construed as a proportionate reduction of state costs whenever possible.

SECTION 7. With reference to item No. 6, section 3, Part II of this Act, the judiciary shall coordinate the planning and implementation of a program designed to provide legal counselling to prisoners, the program to be developed in conjunction with the Legal Aid and Public Defender offices and with the Hawaii Bar Association.

PART III. CAPITAL IMPROVEMENT PROJECTS

SECTION 8. **Capital improvement projects authorized.** The sums of money appropriated or authorized in Part II of this Act for capital investment shall be expended for the projects listed below. Two or more 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 of dollars.)

Item No.	Program and Capital Project	Program ID	FY 1975-76	FY 1976-77	Total biennium 1975-77
	Judicial System				
	Support Services				
	Administrative Director Services	JUD 201			
1	State Capitol Complex, Oahu Renovation of the Kekuanao'a building,				

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the Kapuaiwa building, and Aliiolani Hale to provide additional office space for use by the judiciary.

	Design	54		54
	Total funding	54C	C	54C
2	Advance Planning, Judiciary, Statewide Advance Planning to establish the statewide physical facility needs of the judiciary, and the preparation of staff studies relating to physical facilities.			
	Design	10		10
	Total funding	10C	C	10C
3	Wailuku Judiciary Complex, Maui Land acquisition and design for the Wailuku judiciary complex which will consist of facilities for the Wailuku district court and the second circuit court.			
	Land acquisition			
	Design	167		167
	Total funding	167C	C	167C
	Court Operations			
	District Courts	JUD 121		
4	Honolulu District Court Land acquisition and design, to provide for a new facility for Honolulu District Court and related judiciary services.			
	Land acquisition	1,020		1,020
	Design	68		68
	Total funding	1,088C	C	1,088C

PART IV. ISSUANCE OF BONDS

SECTION 9. 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 and designated to be financed from the general obligation bond fund, provided that the sum total of the general obligation bonds so issued shall not exceed \$1,319,000.

PART V. SPECIAL PROVISIONS

SECTION 10. 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 1975-76 which are unencumbered as of June 30, 1979 shall lapse as of that date and all appropriations made to be expended in fiscal year 1976-77 which are unencumbered as of June 30, 1980 shall lapse as of that date.

SECTION 11. The judiciary is authorized to delegate to any state or county agencies the planning and construction of any capital improvement

project when it is determined by the judiciary that it is advantageous to do so.

SECTION 12. 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 a judiciary project adjustment fund.

SECTION 13. 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 project adjustment fund as provided by section 12 for the period ending December 31, 1975, shall be made to the legislature by February 1, 1976, and a similar report for the period beginning January 1, 1976 and ending December 31, 1976 shall be made to the legislature by February 1, 1977.

SECTION 14. 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 15. 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 16. **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 of such appropriation to the extent possible.

SECTION 17. **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 18. **Effective date.** This Act shall take effect on July 1, 1975.

(Approved June 2, 1975.)