

## ACT 11

H.B. NO. 2

A Bill for an Act Making Appropriations for Judiciary Program Expenditures and for Improvements for the Fiscal Biennium July 1, 1977 to June 30, 1979, 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 1977.

**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 the organization number for the 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. 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 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, 1977 and ending June 30, 1979. 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 I.D.	FY 1977-78	FY 1978-79	Total biennium 1977-79
THE JUDICIAL SYSTEM					
Court Operations					
1	Supreme Court Operating	JUD 101	29.00* 697,107A	29.00* 701,895A	1,399,002A
2	Land Court/Tax Court Operating	JUD 102	3.00* 62,364A	3.00* 62,533A	124,897A
3	Circuit Courts Operating	JUD 111	197.50* 4,399,428A	197.50* 4,454,052A	8,853,480A
4	Family Courts Operating	JUD 112	195.50* 3,648,796A	196.50* 3,763,152A	7,411,948A
5	District Courts Operating	JUD 121	286.00* 4,390,593A	298.00* 4,512,107A	8,902,700A
Support Services					
6	Administrative Director Services Operating	JUD 201	38.00* 1,018,385A	38.00* 1,176,406A	2,194,791A
7	Investment: Capital Law Library Operating	JUD 202	4,576,000C 7.00* 311,906A	17,043,000C 7.00* 327,074A	21,619,000C 638,980A
8	Driver Education and Training Operating	JUD 221	42.00* 534,067B	42.00* 563,767B	1,097,834B

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 concurrence of the President of the Senate and the Speaker of the House of Representatives; and 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 the following sums in Part II appropriated for incremental and longevity salary increases for employees of the State of Hawaii are authorized to be used to fund cost items in collective bargaining agreements ratified for bargaining units 1, 3, 4, 10, and 13 for fiscal biennium 1977-1979:

	1977-78	1978-79
General Fund	\$300,061	\$556,667
Federal Funds	20,940	42,984
Special Funds	11,884	34,138

### 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 and are to be expended by the judiciary.)

Item No.	Program and Capital Project	Program ID	FY 1977-78	FY 1978-79	Total Biennium 1977-79
<b>The Judicial System</b>					
	Support Services				
	Administrative Director Services	JUD 201			
1	State Judiciary Complex, Oahu To construct a new State Judiciary complex in the vicinity of the State Capitol Complex.		1,389		1,389
	Land Acquisition Construction		1,389C		1,389C
	Total Funding				
2	Honolulu District Court, Oahu To provide for a new facility for Honolulu District Court and related judiciary services.		90	15,740	15,740
	Design Construction		90C	15,740C	15,830C
	Total Funding				
3	Renovation of Aliiolani Hale, Oahu To renovate and furnish the Aliiolani Hale for the supreme court, law library and administrative director's office.				
	Design Construction		3		3
	Total Funding		1,161		1,161
			1,164C		1,164C
	Total Funding				
4	Wailuku Judicial Complex, Maui Land acquisition, design and construction for the Wailuku Judiciary complex which will consist of facilities for the Wailuku district court and second circuit court in the Wailuku Civic Center.				
	Land Acquisition Design Construction		1,633		1,633
	Total Funding		197		197
			1,830C		1,830C

5	<p>Koolaupoko District Court, Oahu                  Design, construction and furnishing of the district court in the State Office Building within the proposed Windward Civic Center.</p>	<p>70                  70C</p>	<p>831                  831C</p>	<p>70                  831                  901C</p>
6	<p>Wahiawa District Court, Oahu                  Design, construction and furnishing of the district court in the State Office Building within the expanded Wahiawa Civic Center.</p>	<p>33                  33C</p>	<p>319                  319C</p>	<p>33                  319                  352C</p>
7	<p>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.</p>	<p>10                  10C</p>	<p>10                  10C</p>	<p>10                  10C</p>
8	<p>Makawao District Court, Maui                  Design, construction and furnishing of the new district court in the Makawao Civic Center.</p>	<p>36                  36C</p>	<p>36                  36C</p>	<p>36                  36C</p>
9	<p>Molokai District Court, Molokai                  Design, construction and furnishing of the district court in the State Office Building within the Kaunakakai Civic Center.</p>	<p>40                  40C</p>	<p>40                  40C</p>	<p>40                  40C</p>
10	<p>Lahaina District Court, Maui</p>			

Item No.	Program and Capital Project	Program ID	FY 1977-78	FY 1978-79	Total Biennium 1977-79
11	Renovation and furnishing of the second floor of the Lahaina Courthouse to accommodate the district court.			32	32
	Design			32C	32C
	Total Funding				
	Waialua District Court, Oahu				
	Design, construction and furnishing of the district court in the proposed civic center for the Waialua district.				
	Design			35	35
	Total Funding			35C	35C

#### **PART IV. ISSUANCE OF BONDS**

**SECTION 8. 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 \$21,619,000.

#### **PART V. SPECIAL PROVISIONS.**

**SECTION 9.** 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 1977-78 which are unencumbered as of June 30, 1981 shall lapse as of that date and all appropriations made to be expended in fiscal year 1978-79 which are unencumbered as of June 30, 1982 shall lapse as of that date.

**SECTION 10.** The judiciary is authorized to delegate to other state or county agencies the planning and construction of any capital improvement project when it is determined by the judiciary that it is an advantage to do so.

**SECTION 11.** 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, which is hereby created.

**SECTION 12.** 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 11 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 13.** 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 14.** 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 15. 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

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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 16. 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 17. Effective date.** This Act shall take effect on July 1, 1977.

(Approved June 23, 1977.)