

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 1983.

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, 1983 and ending June 30, 1985. 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	M FY O 1983-84 F	M FY O 1984-85 F	Total M Biennium O 1983-85 F
THE JUDICIAL SYSTEM					
Court Operations					
1	Courts of Appeal Operating	JUD 101	45.00* 1,671,375A	46.00* 1,687,291A	3,358,666A
2	Land Court/Tax Court Operating	JUD 102	4.00* 133,260A	4.00* 132,339A	265,599A
3	Circuit Courts Operating	JUD 111	275.00* 9,340,016A 164,425N	281.00* 9,875,572A 169,214N	19,215,588A 333,639N
4	Family Courts Operating	JUD 112	248.50* 8,902,150A 100,135N	255.50* 9,104,567A 108,146N	18,006,717A 208,281N
5	District Courts Operating Support Services	JUD 121	479.50* 10,955,368A	492.50* 11,276,252A	22,231,620A
6	Administrative Director Services Operating Investment: Capital	JUD 201	86.00* 3,656,054A 7,367,000C	104.00* 4,204,117A 4,566,000C	7,860,171A 11,933,000C
7	Law Library Operating	JUD 202	8.00* 643,384A	8.00* 631,752A	1,275,136A
8	Driver Education and Training Operating	JUD 221	45.00* 835,819B	48.00* 903,824B	1,739,643B

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 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), \$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), \$10,000 in each fiscal year of the biennium shall be used for a commission on judicial discipline.

SECTION 9. Provided, that the Judiciary is authorized to transfer savings from its general fund appropriation to the Driver Education special fund to accommodate any shortfalls in revenues or temporary cash flow deficits. Provided, further, that all transfers are not intended to increase the appropriation to the Driver Education Program (JUD 221). 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 10. Provided, that of the general fund appropriation for the Administrative Director Services Program (JUD 201), \$50,000, in fiscal year 1983-84 shall be used for a comprehensive review of the Hawaii Penal Code.

SECTION 11. Provided, that of the general fund appropriation for the Administrative Director Services Program (JUD 201), \$100,000, in fiscal year 1984-85 shall be used to pay for computer services provided by the Electronic Data Processing Division, Department of Budget and Finance, to the judiciary.

SECTION 12. Provided, that of the general fund appropriation for the Administrative Director Services Program (JUD 201), \$137,000 in fiscal year 1983-84 and \$147,000 in fiscal year 1984-85 shall be used for neighborhood justice centers and mediation services.

PART III. CAPITAL IMPROVEMENT PROJECTS

SECTION 13. Capital Improvement Projects. The sum of \$11,933,000 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 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 FY O 1983-84 F M FY O 1984-85 F Total M Biennium O 1983-85 F

THE JUDICIAL SYSTEM

Support Services

Administrative Director Services

JUD 201

1 State Judiciary Complex Expansion, Oahu Planning, land acquisition and design of facilities for the expansion of the State Judiciary Complex.

Plans	160			160
Land Acquisition	2,139			2,139
Design		1,014		1,014
Total Funding	2,299 C	1,014 C		3,313 C

2 Renovation of Ali'iolani Hale and Kapuaiwa Building, Oahu
 Renovation of both Ali'iolani Hale, to accommodate the Supreme Court Clerk's Office, Law Library and Administrative Director's Office, and Kapuaiwa Building to accommodate the Intermediate Court of Appeals and other Judiciary offices.

Design	8			8
Construction	4,187			4,187
Equipment	57			57
Total Funding	4,252 C		C	4,252 C

3 Honolulu District Court, Loft Space Improvements, Oahu
 Plan, design and renovate the two loft floors for office and courtroom use and furnish the fifth floor courtroom.

Plan	5			5
Design	96			96

	Construction	987	987
	Equipment	108	108
	Total Funding	1,095 C	1,196 C
	101 C		
4	Hilo Judiciary Complex, Hawaii Planning of a Judiciary Complex in Hilo to accommodate the Circuit, Family and District Courts.		
	Plans		100
	Total Funding		100 C
	100	C	
5	Renovation of Lahaina District Court, Maui Renovation and furnishing of the Lahaina Courthouse to accommodate the District Courts.		
	Construction	277	914
	Equipment	85	36
	Total Funding	362 C	950 C
	277		1,191
	85		121
	362 C		1,312 C
6	Advance Planning Judiciary Advance planning for statewide Judiciary facilities planning projects.		
	Plans		15
	Total Funding		15 C
	15	C	
7	Remodeling and Upgrading Judiciary Buildings, State- wide Design, construction and furnishing of equipment to remodel and upgrade Judiciary buildings, statewide.		
	Design		115
	Construction	55	60
	Equipment	157	195
	Total Funding	6	7
	218 C		262 C
	55		115
	157		352
	6		13
	218 C		480 C

Item No.	Program and Capital Project	Program ID	M FY O 1983-84 F	M FY O 1984-85 F	Total M Biennium O 1983-85 F
8	Molokai District Court, Molokai Construction and furnishing of the Molokai District Court in the Kaunakakai Civic Center. Construction Equipment Total Funding			723 38 761 C	723 38 761 C
9	Wahiawa District Court, Oahu Design of the Wahiawa District Court in the Wahiawa Civic Center. Design Total Funding			48 48 C	48 48 C
10	Judiciary Security Training Facility, Oahu Planning of a Judiciary Security training facility. Plans Total Funding		20 20 C		20 20 C
11	Judiciary Complex Garage, Oahu Design of a parking facility in the Reed Lane area of the State Judiciary Complex. Design Total Funding			436 436 C	436 436 C

PART IV. ISSUANCE OF BONDS

SECTION 14. 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 \$11,933,000.

PART V. SPECIAL PROVISIONS

SECTION 15. 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 expended in fiscal biennium 1983-85 which are unencumbered as of June 30, 1986 shall lapse as of that date.

SECTION 16. 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 17. 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 18. 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 17 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 19. 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 20. 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 21. 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 22. 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 23. Effective date. This Act shall take effect on July 1, 1983.

(Approved June 14, 1983.)