
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. This Act shall be known and may be cited as the
Judiciary Appropriations Act of 2009.

SECTION 2. 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. The letter
symbols, where used, shall have the following meanings:

- A General funds
- B Special funds
- C General obligation bond funds
- N Other federal funds



1 W Revolving funds

2 (c) "Position ceiling" means the maximum number of permanent
3 positions authorized for a particular program during a specified
4 period or periods, as noted by an asterisk.

5 **PART II. PROGRAM APPROPRIATIONS**

6 SECTION 3. The following sums, or so much thereof as may be
7 sufficient to accomplish the purposes and programs designated
8 herein, are appropriated or authorized from the sources of funding
9 specified to the judiciary for the fiscal biennium beginning July
10 1, 2009, and ending June 30, 2011. The total expenditures and the
11 number of permanent positions established in each fiscal year of
12 the fiscal biennium shall not exceed the sums and the position
13 ceilings indicated for each year, except as provided in this Act.

14



PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS			
				FISCAL YEAR 2009-2010	M O F	FISCAL YEAR 2010-2011	M O F
1		The Judicial System					
2	1.	JUD101 - COURTS OF APPEAL					
3				79.00*		79.00*	
4		OPERATING	JUD	6,862,498A		6,862,498A	
5			JUD	243,261W		243,261W	
6							
7	2.	JUD310 - FIRST JUDICIAL CIRCUIT					
8				1,036.50*		1,036.50*	
9		OPERATING	JUD	60,586,102A		60,657,802A	
10				40.00*		40.00*	
11			JUD	3,777,131B		3,784,971B	
12							
13	3.	JUD320 - SECOND JUDICIAL CIRCUIT					
14				197.00*		197.00*	
15		OPERATING	JUD	12,552,044A		12,552,044A	
16							
17	4.	JUD330 - THIRD JUDICIAL CIRCUIT					
18				220.00*		220.00*	
19		OPERATING	JUD	15,101,119A		15,101,119A	
20							
21	5.	JUD350 - FIFTH JUDICIAL CIRCUIT					
22				95.00*		95.00*	
23		OPERATING	JUD	6,187,618A		6,187,618A	
24							
25	6.	JUD501 - JUDICIAL SELECTION COMMISSION					
26				1.00*		1.00*	
27		OPERATING	JUD	99,292A		99,292A	
28							
29	7.	JUD601 - ADMINISTRATION					
30				212.00*		212.00*	
31		OPERATING	JUD	19,019,151A		19,019,151A	
32				1.00*		1.00*	
33			JUD	8,396,900B		6,930,290B	
34			JUD	100,000W		100,000W	
35		INVESTMENT CAPITAL	JUD	9,545,000C		10,000,000C	



1 **PART III. PROGRAM PROVISIONS**

2 SECTION 4. Provided that whenever the need arises, the
3 chief justice, in administering an equitable and expeditious
4 judicial process, is authorized to transfer sufficient funds and
5 positions between programs for operating purposes; and provided
6 further that no transfer shall be made to implement any
7 collective bargaining contract signed after this legislature
8 adjourns sine die.

9 SECTION 5. Provided that if the chief justice, or any
10 agency, or any government unit secures federal funds or other
11 property under any act of Congress, or any funds or other
12 property from private organizations or individuals which are to
13 be expended in connection with any program or works authorized
14 by this Act, or otherwise, the chief justice, or the agency with
15 the chief justice's approval, shall have the power to enter into
16 the undertaking with the federal government, private
17 organization, or individual; and provided further that while
18 most federal aid allocations are known and state matching funds
19 are provided in this Act, in instances where programs for which
20 federal-state cost sharing is not yet determined, the
21 availability of federal funds shall be construed as a
22 proportionate reduction of state costs whenever possible.

23 **PART IV. CAPITAL IMPROVEMENT PROJECTS**



1 SECTION 6. The sum of \$19,545,000 appropriated or
2 authorized in Part II of this Act for capital improvement
3 projects shall be expended by the judiciary for the projects
4 listed below; provided that several related or similar projects
5 may be combined into a single project, if a combination is
6 advantageous or convenient for implementation; and provided
7 further that the total cost of the projects thus combined shall
8 not exceed the total of the sums specified for the projects
9 separately. The amount after each cost element and the total
10 funding for each project listed in this Part is in thousands of
11 dollars.



CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)			
				FISCAL YEAR 2009-2010	M O	FISCAL YEAR 2010-2011	M O
1		The Judicial System					
2		JUD601 - ADMINISTRATION					
3							
4	1.	KAUIKEAOULI HALE ELEVATOR SYSTEMS					
5		UPGRADE AND MODERNIZATION, OAHU					
6							
7		DESIGN AND CONSTRUCTION FOR UPGRADE					
8		AND MODERNIZATION OF THE ELEVATORS AT					
9		KAUIKEAOULI HALE, OAHU.					
10		DESIGN			245		
11		CONSTRUCTION			3,750		
12		TOTAL FUNDING	JUD		3,995 C		C
13							
14	2.	KONA JUDICIARY COMPLEX, HAWAII					
15							
16		PLANS AND LAND ACQUISITION FOR A NEW					
17		JUDICIARY COMPLEX FOR KONA, HAWAII.					
18		PLANS			500		
19		LAND			50		
20		TOTAL FUNDING	JUD		550 C		C
21							
22	3.	LUMP SUM CIP FOR JUDICIARY					
23		FACILITIES, STATEWIDE					
24							
25		PLANS, DESIGN, CONSTRUCTION, AND					
26		EQUIPMENT FOR THE REMODELING AND					
27		UPGRADING OF JUDICIARY BUILDINGS,					
28		STATEWIDE.					
29		PLANS			250	150	
30		DESIGN			2,250	1,500	
31		CONSTRUCTION			2,250	8,250	
32		EQUIPMENT			250	100	
33		TOTAL FUNDING	JUD		5,000 C	10,000 C	



PART V. ISSUANCE OF BONDS

SECTION 7. 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 IV of this Act; provided that the sum total of the general obligation bonds so issued shall not exceed \$19,545,000.

SECTION 8. Any law to the contrary notwithstanding, the appropriations under Act 169, Session Laws of Hawaii 2007, section 15, as amended and renumbered by Act 102, Session Laws of Hawaii 2008, section 4, in the amounts indicated or balances thereof, unallotted, allotted, unencumbered, or encumbered and unrequired, are hereby lapsed:

<u>Item No.</u>	<u>Amount (MOF)</u>
JUD601-4	\$ 50,000 C
JUD601-4.01	1,020,000 C

PART VI. SPECIAL PROVISIONS

SECTION 9. Any law or any provision of this Act to the contrary notwithstanding, the appropriations made for capital improvement projects authorized in Part II and listed in Part IV of this Act shall not lapse at the end of the fiscal year for which the appropriations are made; provided that all appropriations made for fiscal year 2009-2010 and fiscal year



2010-2011, which are unencumbered as of June 30, 2012, shall lapse as of that date.

SECTION 10. The judiciary is authorized to delegate to other state or county agencies the planning, acquiring of land, designing, constructing, and equipping of any capital improvement project when it is determined by the judiciary to be advantageous to do so.

SECTION 11. All unrequired balances in the general obligation bond fund, after the objectives of Part II appropriations for capital improvements program purposes listed as projects in part IV of this Act have been met, shall be transferred to the judiciary project adjustment fund; and provided further that the judiciary shall submit a report to the legislature of all uses of this proviso for the previous twelve month period from December 1 to November 30 no later than twenty days prior to the convening of the 2010 and 2011 regular sessions.

SECTION 12. If the amount allocated from the general obligation bond fund for a capital improvement project listed in part IV of this Act is insufficient, the chief justice may make supplemental allotments from the project adjustment fund; provided that supplemental allotments shall not be used to increase the scope of the project; and provided further that the judiciary shall submit a report to the legislature of all uses of this proviso for the previous twelve month period from



December 1 to November 30 no later than twenty days prior to the convening of the 2010 and 2011 regular sessions.

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 IV of this Act, the chief justice may authorize such reduction of project scope.

SECTION 14. The chief justice shall determine when and the manner in which the authorized capital improvement projects shall be initiated. The chief justice shall notify the governor from time to time of the specific amounts required for the projects, and the governor shall provide for those amounts through the issuance of bonds authorized in Part V of this Act.

SECTION 15. Any law or any provision of law to the contrary notwithstanding, the chief justice may supplement funds for any cost element for a capital improvement project authorized under this Act by transferring such sums as may be needed from the funds appropriated for other cost elements of the same project by this Act or by any other prior or future Act that has not lapsed; provided that the total expenditure of funds for all cost elements for the project shall not exceed the total appropriation for that project.



PART VII. MISCELLANEOUS PROVISIONS AND EFFECTIVE DATE

SECTION 16. If any portion of this Act or its application to any person or circumstances is held to be invalid for any reason, the remainder of the Act and any provision thereof shall not be affected. 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 shall be expended to fulfill the objective and intent of the appropriation to the extent possible.

SECTION 17. If any manifest clerical, typographical, or other mechanical error is found in this Act, the chief justice is authorized to correct the error. All changes made pursuant to this section shall be reported to the legislature at its next regular session.

SECTION 18. This Act shall take effect on July 1, 2009.



Report Title:

Judiciary; Appropriations

Description:

Appropriates funds for the operating and capital improvement budget of the Judiciary for fiscal years 2009-2010 and 2010-2011. (HB300 HD1)

