
A BILL FOR AN ACT

RELATING TO THE JUDICIARY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 **PART I. GENERAL PROVISIONS**

2 SECTION 1. This Act shall be known and may be cited as the
3 Judiciary Appropriations Act of 2009.

4 SECTION 2. Unless otherwise clear from the context, as used
5 in this Act:

6 (a) "Program ID" means the unique identifier for the specific
7 program, and consists of the abbreviation for the judiciary (JUD)
8 followed by a designated number for the program.

9 (b) "Means of Financing", or "MOF", means the source from
10 which funds are appropriated, or authorized, as the case may be, to
11 be expended for the programs and projects specified in this Act.

12 All appropriations are followed by letter symbols. The letter
13 symbols, where used, shall have the following meanings:

- 14** A General funds
15 B Special funds
16 C General obligation bond funds
17 N Other federal funds
18 W Revolving funds

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

4 **PART II. PROGRAM APPROPRIATIONS**

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

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				80.00*		80.00*	
4		OPERATING	JUD	7,397,336A		7,397,336A	
5			JUD	243,261W		243,261W	
6							
7	2.	JUD310 - FIRST JUDICIAL CIRCUIT					
8				1,098.50*		1,098.50*	
9		OPERATING	JUD	76,631,824A		76,703,524A	
10				40.00*		40.00*	
11			JUD	3,777,131B		3,784,971B	
12							
13	3.	JUD320 - SECOND JUDICIAL CIRCUIT					
14				220.00*		220.00*	
15		OPERATING	JUD	16,130,226A		16,130,226A	
16							
17	4.	JUD330 - THIRD JUDICIAL CIRCUIT					
18				229.00*		229.00*	
19		OPERATING	JUD	19,020,059A		19,020,059A	
20							
21	5.	JUD350 - FIFTH JUDICIAL CIRCUIT					
22				98.00*		98.00*	
23		OPERATING	JUD	7,316,426A		7,316,426A	
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				228.00*		228.00*	
31		OPERATING	JUD	13,470,020A		13,470,020A	
32				1.00*		1.00*	
33			JUD	8,396,900B		6,930,290B	
34			JUD	100,000W		100,000W	
35		INVESTMENT CAPITAL	JUD	14,575,000C			C

1 **PART III. PROGRAM PROVISIONS**

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

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

1 **PART IV. CAPITAL IMPROVEMENT PROJECTS**

2 SECTION 6. The sum of \$14,575,000 appropriated or authorized
3 in Part IV of this Act for capital improvement projects shall be
4 expended by the judiciary for the projects listed below; provided
5 that several related or similar projects may be combined into a
6 single project, if a combination is advantageous or convenient for
7 implementation; and provided further that the total cost of the
8 projects thus combined shall not exceed the total of the sums
9 specified for the projects separately. The amount after each cost
10 element and the total funding for each project listed in this Part
11 is in thousands of dollars.

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)			
				FISCAL YEAR 2009-2010	M O F	FISCAL YEAR 2010-2011	M O F
1	A.	ECONOMIC DEVELOPMENT					
2		JUD601 - ADMINISTRATION					
3							
4	1.	KAPOLEI JUDICIARY COMPLEX, OAHU					
5							
6		PLANS AND DESIGN FOR A NEW					
7		ADMINISTRATIVE SERVICES OFFICE BUILDING AT					
8		KAPOLEI, OAHU					
9		PLANS			225		
10		DESIGN			5		
11		TOTAL FUNDING	JUD		230	C	C
12							
13	2.	KAAHUMANU HALE MAUKA WING ROOF AND					
14		MISCELLANEOUS LANAI DECK SURFACE					
15		IMPROVEMENTS, OAHU					
16							
17		PLANS, DESIGN, AND CONSTRUCTION FOR					
18		MAUKA WING ROOF AND MISCELLANEOUS LANAI DECK					
19		SURFACE IMPROVEMENTS AT KAAHUMANU HALE,					
20		OAHU.					
21		PLANS			60		
22		DESIGN			350		
23		CONSTRUCTION			3,490		
24		TOTAL FUNDING	JUD		3,900	C	C
25							
26	3.	KAUIKEAOULI HALE ELEVATOR SYSTEMS					
27		UPGRADE AND MODERNIZATION, OAHU					
28							
29		DESIGN AND CONSTRUCTION FOR UPGRADE AND					
30		MODERNIZATION OF THE ELEVATORS AT					
31		KAUIKEAOULI HALE, OAHU.					
32		DESIGN			245		
33		CONSTRUCTION			3,750		
34		TOTAL FUNDING	JUD		3,995	C	C
35							
36							

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)			
				FISCAL YEAR 2009-2010	M O F	FISCAL YEAR 2010-2011	M O F
1	4.						
2		PLANS AND LAND ACQUISITION FOR A NEW					
3		JUDICIARY COMPLEX FOR KONA, HAWAII, WHICH					
4		SHALL INCLUDE A HOLDING FACILITY.					
5		PLANS		500			
6		LAND		50			
7		TOTAL FUNDING	JUD	550	C		C
8							
9	5.	LUMP SUM CIP FOR JUDICIARY FACILITIES,					
10		STATEWIDE					
11							
12		PLANS, DESIGN, CONSTRUCTION, AND					
13		EQUIPMENT FOR THE REMODELING AND UPGRADING					
14		OF JUDICIARY BUILDINGS, STATEWIDE (FOR					
15		FISCAL BIENNIUM 2009-2011).					
16		PLANS		250			
17		DESIGN		3,150			
18		CONSTRUCTION		2,250			
19		EQUIPMENT		250			
20		TOTAL FUNDING	JUD	5,900	C		C

1 PART V. ISSUANCE OF BONDS

2 SECTION 7. General obligation bonds may be issued, as
3 provided by law, to yield the amount that may be necessary to
4 finance projects authorized in Part II and listed in Part IV of
5 this Act; provided that the sum total of the general obligation
6 bonds so issued shall not exceed \$14,575,000.

7 SECTION 8. Any law to the contrary notwithstanding, the
8 appropriations under Act 169, Session Laws of Hawaii 2007, section
9 15, as amended and renumbered by Act 102, Session Laws of Hawaii
10 2008, section 4, in the amounts indicated or balances thereof,
11 unallotted, allotted, unencumbered, or encumbered and unrequired,
12 are hereby lapsed:

13

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

16

17 PART VI. SPECIAL PROVISIONS

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

1 for fiscal year 2009-2010 and fiscal year 2010-2011, which are
2 unencumbered as of June 30, 2012, shall lapse as of that date.

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

8 SECTION 11. All unrequired balances in the general obligation
9 bond fund, after the objectives of Part II appropriations for
10 capital improvements program purposes listed as projects in part IV
11 of this Act have been met, shall be transferred to the judiciary
12 project adjustment fund; and provided further that the judiciary
13 shall submit a report to the legislature of all uses of this
14 proviso for the previous twelve month period from December 1 to
15 November 30 no later than twenty days prior to the convening of the
16 2010 and 2011 regular sessions.

17 SECTION 12. If the amount allocated from the general
18 obligation bond fund for a capital improvement project listed in
19 part IV of this Act is insufficient, the chief justice may make
20 supplemental allotments from the project adjustment fund; provided
21 that supplemental allotments shall not be used to increase the
22 scope of the project; and provided further that the judiciary shall

1 submit a report to the legislature of all uses of this proviso for
2 the previous twelve month period from December 1 to November 30 no
3 later than twenty days prior to the convening of the 2010 and 2011
4 regular sessions.

5 SECTION 13. Where it has been determined that changed
6 conditions, such as reduction in the particular population being
7 served, permit the reduction in the scope of a project listed in
8 Part IV of this Act, the chief justice may authorize such reduction
9 of project scope.

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

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

1 for the project shall not exceed the total appropriation for that
2 project.

3 **PART VII. MISCELLANEOUS PROVISIONS AND EFFECTIVE DATE**

4 SECTION 16. If any portion of this Act or its application to
5 any person or circumstances is held to be invalid for any reason,
6 the remainder of the Act and any provision thereof shall not be
7 affected. If any portion of a specific appropriation is held to be
8 invalid for any reason, the remaining portion shall be independent
9 of the invalid portion and shall be expended to fulfill the
10 objective and intent of the appropriation to the extent possible.

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

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

Report Title:

Judiciary; Appropriations

Description:

Appropriates funds for the operating budget of the judiciary for fiscal years 2009-2010 and 2010-2011 and the capital improvement budget for fiscal year 2009-2010. (SD2)