



GOV. MSG. NO. 756

EXECUTIVE CHAMBERS

HONOLULU

LINDA LINGLE
GOVERNOR

June 22, 2009

The Honorable Colleen Hanabusa, President
and Members of the Senate
Twenty-Fifth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

This is to inform you that on June 22, 2009, the following bill was signed into law:

HB300 HD1 SD2 CD1

A BILL FOR AN ACT
RELATING TO THE JUDICIARY.
ACT 139 (09)

Sincerely,



LINDA LINGLE

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.

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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	7,263,297A		7,260,041A	
5			JUD	243,261W		243,261W	
6							
7	2.	JUD310 - FIRST JUDICIAL CIRCUIT					
8				1,057.50*		1,057.50*	
9		OPERATING	JUD	76,609,271A		76,668,648A	
10				40.00*		40.00*	
11			JUD	3,777,131B		3,784,971B	
12							
13	3.	JUD320 - SECOND JUDICIAL CIRCUIT					
14				205.00*		205.00*	
15		OPERATING	JUD	15,462,417A		15,460,014A	
16							
17	4.	JUD330 - THIRD JUDICIAL CIRCUIT					
18				223.00*		223.00*	
19		OPERATING	JUD	18,679,648A		18,676,725A	
20							
21	5.	JUD350 - FIFTH JUDICIAL CIRCUIT					
22				97.00*		97.00*	
23		OPERATING	JUD	7,246,822A		7,245,750A	
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				213.00*		213.00*	
31		OPERATING	JUD	13,639,253A		13,589,530A	
32				1.00*		1.00*	
33			JUD	8,396,900B		6,930,290B	
34			JUD	100,000W		100,000W	
35		INVESTMENT CAPITAL	JUD	9,775,000C			C



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.



1 SECTION 6. Provided that the Judiciary shall prepare a
2 report that shall include but not be limited to the following
3 information:

4 (1) The amount collected for bench warrant assessments on
5 traffic cases for the current fiscal year and the
6 previous two fiscal years;

7 (2) The number of warrants served for the current fiscal
8 year and the previous two fiscal years;

9 (3) The number of warrants outstanding for the current
10 fiscal year and the previous two fiscal years;

11 (4) The status of the eBench Warrant Pilot Program;

12 (5) Determination of success of the program and whether to
13 continue the pilot program;

14 and provided further that the department shall submit the report
15 to the legislature no later than twenty days prior to the
16 convening of the 2010 and 2011 regular sessions.

17 SECTION 7. Provided that any savings or unrequired
18 balances arising as a result of labor cost reductions pursuant
19 to a collective bargaining agreement from appropriated general
20 funds shall lapse to the general fund.



1 **PART IV. CAPITAL IMPROVEMENT PROJECTS**

2 SECTION 8. The sum of \$9,775,000 appropriated or
3 authorized in Part II of this Act for capital improvement
4 projects shall be expended by the judiciary for the projects
5 listed below; provided that several related or similar projects
6 may be combined into a single project, if a combination is
7 advantageous or convenient for implementation; and provided
8 further that the total cost of the projects thus combined shall
9 not exceed the total of the sums specified for the projects
10 separately. The amount after each cost element and the total
11 funding for each project listed in this Part is in thousands of
12 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		The Judicial System					
2		JUD601 - ADMINISTRATION					
3							
4	1.	KAPOLEI JUDICIARY COMPLEX, OAHU					
5		PLANS AND DESIGN FOR A NEW					
6		ADMINISTRATIVE SERVICES OFFICE BUILDING					
7		AT KAPOLEI, OAHU.					
8		PLANS			225		
9		DESIGN			5		
10		TOTAL FUNDING	JUD		230 C		C
11							
12	2.	KAUIKEAOULI HALE ELEVATOR SYSTEMS					
13		UPGRADE AND MODERNIZATION, OAHU					
14		DESIGN AND CONSTRUCTION FOR UPGRADE					
15		AND MODERNIZATION OF THE ELEVATORS AT					
16		KAUIKEAOULI HALE, OAHU.					
17		DESIGN			245		
18		CONSTRUCTION			3,750		
19		TOTAL FUNDING	JUD		3,995 C		C
20							
21	3.	KONA JUDICIARY COMPLEX, HAWAII					
22		PLANS AND LAND ACQUISITION FOR A NEW					
23		JUDICIARY COMPLEX FOR KONA, HAWAII.					
24		PLANS			500		
25		LAND			50		
26		TOTAL FUNDING	JUD		550 C		C
27							
28							
29							
30							
31							



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
4.		LUMP SUM CIP FOR JUDICIARY FACILITIES, STATEWIDE					
		PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR THE REMODELING AND UPGRADING OF JUDICIARY BUILDINGS, STATEWIDE.					
		PLANS			250		
		DESIGN			2,250		
		CONSTRUCTION			2,250		
		EQUIPMENT			250		
		TOTAL FUNDING	JUD		5,000 C		C

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PART V. ISSUANCE OF BONDS

SECTION 9. 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 \$9,775,000.

SECTION 10. 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 11. 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



1 2010-2011, which are unencumbered as of June 30, 2012, shall
2 lapse as of that date.

3 SECTION 12. The judiciary is authorized to delegate to
4 other state or county agencies the planning, acquiring of land,
5 designing, constructing, and equipping of any capital
6 improvement project when it is determined by the judiciary to be
7 advantageous to do so.

8 SECTION 13. All unrequired balances in the general
9 obligation bond fund, after the objectives of Part II
10 appropriations for capital improvements program purposes listed
11 as projects in part IV of this Act have been met, shall be
12 transferred to the judiciary project adjustment fund.

13 SECTION 14. If the amount allocated from the general
14 obligation bond fund for a capital improvement project listed in
15 part IV of this Act is insufficient, the chief justice may make
16 supplemental allotments from the project adjustment fund;
17 provided that supplemental allotments shall not be used to
18 increase the scope of the project.

19 SECTION 15. Where it has been determined that changed
20 conditions, such as reduction in the particular population being
21 served, permit the reduction in the scope of a project listed in



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

3 SECTION 16. The chief justice shall determine when and the
4 manner in which the authorized capital improvement projects
5 shall be initiated. The chief justice shall notify the governor
6 from time to time of the specific amounts required for the
7 projects, and the governor shall provide for those amounts
8 through the issuance of bonds authorized in Part V of this Act.

9 SECTION 17. Any law or any provision of law to the
10 contrary notwithstanding, the chief justice may supplement funds
11 for any cost element for a capital improvement project
12 authorized under this Act by transferring such sums as may be
13 needed from the funds appropriated for other cost elements of
14 the same project by this Act or by any other prior or future Act
15 that has not lapsed; provided that the total expenditure of
16 funds for all cost elements for the project shall not exceed the
17 total appropriation for that project.

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

19 SECTION 18. If any portion of this Act or its application
20 to any person or circumstances is held to be invalid for any
21 reason, the remainder of the Act and any provision thereof shall
22 not be affected. If any portion of a specific appropriation is



1 held to be invalid for any reason, the remaining portion shall
2 be independent of the invalid portion and shall be expended to
3 fulfill the objective and intent of the appropriation to the
4 extent possible.

5 SECTION 19. If any manifest clerical, typographical, or
6 other mechanical error is found in this Act, the chief justice
7 is authorized to correct the error. All changes made pursuant
8 to this section shall be reported to the legislature at its next
9 regular session.

10 SECTION 20. This Act shall take effect on July 1, 2009.

APPROVED this 22 day of JUN, 2009



GOVERNOR OF THE STATE OF HAWAII

