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# 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 2011.

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

6           (a) "Program ID" means the unique identifier for the  
7 specific program, and consists of the abbreviation for the  
8 judiciary (JUD) 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,  
11 to be expended for the programs and projects specified in this  
12 Act. All appropriations are followed by letter symbols. The  
13 letter 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  
2 permanent positions authorized for a particular program during a  
3 specified 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  
6 be sufficient to accomplish the purposes and programs designated  
7 herein, are appropriated or authorized from the sources of  
8 funding specified to the judiciary for the fiscal biennium  
9 beginning July 1, 2011, and ending June 30, 2013. The total  
10 expenditures and the number of permanent positions established  
11 in each fiscal year of the fiscal biennium shall not exceed the  
12 sums and the position ceilings indicated for each year, except  
13 as provided in this Act.



**PROGRAM APPROPRIATIONS**

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS			
				FISCAL YEAR 2011-2012	M O F	FISCAL YEAR 2012-2013	M O F
1	The Judicial System						
2	1.	JUD101 - COURTS OF APPEAL					
3				79.00*		79.00*	
4		OPERATING	JUD	6,835,851A		6,835,851A	
5			JUD	243,261W		243,261W	
6							
7	2.	JUD310 - FIRST JUDICIAL CIRCUIT					
8				1,057.50*		1,057.50*	
9		OPERATING	JUD	71,483,812A		71,483,812A	
10				41.00*		41.00*	
11			JUD	4,002,620B		4,002,620B	
12							
13	3.	JUD320 - SECOND JUDICIAL CIRCUIT					
14				205.00*		205.00*	
15		OPERATING	JUD	14,777,500A		14,777,500A	
16							
17	4.	JUD330 - THIRD JUDICIAL CIRCUIT					
18				223.00*		223.00*	
19		OPERATING	JUD	17,416,310A		17,416,310A	
20							
21	5.	JUD350 - FIFTH JUDICIAL CIRCUIT					
22				97.00*		97.00*	
23		OPERATING	JUD	6,709,385A		6,709,385A	
24							
25	6.	JUD501 - JUDICIAL SELECTION COMMISSION					
26				1.00*		1.00*	
27		OPERATING	JUD	90,248A		90,248A	
28							
29	7.	JUD601 - ADMINISTRATION					
30				213.00*		213.00*	
31		OPERATING	JUD	21,486,894A		21,486,894A	
32				1.00*		1.00*	
33			JUD	6,930,290B		6,930,290B	
34			JUD	100,000W		100,000W	
35		INVESTMENT CAPITAL	JUD	14,584,000C		6,850,000C	
36							



**PART III. PROGRAM PROVISIONS**

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; provided 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

9 agency, or any government unit secures federal funds or other

10 property under any act of Congress, or any funds or other

11 property from private organizations or individuals that are to

12 be expended in connection with any program or works authorized

13 by this Act, or otherwise, the chief justice, or the agency with

14 the chief justice's approval, shall have the power to enter into

15 the undertaking with the federal government, private

16 organization, or individual.

17           SECTION 6. Provided that the judiciary is authorized to

18 transfer savings from its general fund appropriation to the

19 driver education and training fund to accommodate any temporary

20 cash flow deficits.

21           SECTION 7. Provided that of the general fund appropriation

22 for the judiciary, the sum of \$138,800,000 or so much thereof as



1 may be necessary for fiscal year 2011-2012 and the sum of  
2 \$138,800,000 or so much thereof as may be necessary for fiscal  
3 year 2012-2013 shall be expended to accomplish the purposes and  
4 programs designated by this Act; provided further that no funds  
5 shall be expended if a work furlough program that is intended to  
6 achieve labor savings is implemented; provided further that any  
7 unexpended funds shall lapse to the general fund.

8 **PART IV. CAPITAL IMPROVEMENT PROJECTS**

9 SECTION 8. The sum of \$21,434,000 appropriated or  
10 authorized in part II of this Act for capital improvement  
11 projects shall be expended by the judiciary for the projects  
12 listed below; provided that several related or similar projects  
13 may be combined into a single project, if a combination is  
14 advantageous or convenient for implementation; provided further  
15 that the total cost of the projects thus combined shall not  
16 exceed the total of the sums specified for the projects  
17 separately. The amount after each cost element and the total  
18 funding for each project listed in this part is in thousands of  
19 dollars.



CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)			
				FISCAL YEAR 2011-2012	M O F	FISCAL YEAR 2012-2013	M O F
1	A.	ECONOMIC DEVELOPMENT					
2		JUD601 - ADMINISTRATION					
3							
4	1.	KAAHUMANU HALE ROOF AND LANAI					
5		UPGRADES AND IMPROVEMENTS, OAHU					
6							
7		PLANS, DESIGN AND CONSTRUCTION FOR					
8		ROOF AND LANAI UPGRADES AND IMPROVEMENTS					
9		AT KAAHUMANU HALE, OAHU.					
10		PLANS			80		
11		DESIGN			360		
12		CONSTRUCTION			4,205		
13		TOTAL FUNDING	JUD		4,645 C		C
14							
15	2.	KONA JUDICIARY COMPLEX, HAWAII					
16							
17		DESIGN FOR A NEW JUDICIARY COMPLEX AT					
18		KONA, HAWAII.					
19		DESIGN				4,500	
20		TOTAL FUNDING	JUD		C	4,500 C	
21							
22	3.	KAPUAIWA BUILDING WINDOW REPLACEMENT					
23		AND UPGRADE, OAHU					
24							
25		CONSTRUCTION FOR REPLACEMENT AND					
26		UPGRADE OF WINDOWS AT KAPUAIWA BUILDING,					
27		OAHU.					
28		CONSTRUCTION				1,850	
29		TOTAL FUNDING	JUD		C	1,850 C	
30							
31	4.	KAAHUMANU HALE FIRE ALARM SYSTEM					
32		UPGRADE AND IMPROVEMENTS, OAHU					
33							
34		PLANS AND DESIGN FOR FIRE ALARM					
35		SYSTEMS UPGRADE AND IMPROVEMENTS AT					
36		KAAHUMANU HALE, OAHU.					
37		PLANS			7		
38		DESIGN			140		
39		TOTAL FUNDING	JUD		147 C		C
40							
41	5.	KAAHUMANU HALE ELEVATOR SYSTEM					
42		UPGRADE AND MODERNIZATION, OAHU					
43							



CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)			
				FISCAL YEAR 2011-2012	M O F	FISCAL YEAR 2012-2013	M O F
1		PLANS AND DESIGN FOR UPGRADES AND					
2		MODERNIZATION TO THE ELEVATORS AT					
3		KAAHUMANU HALE, OAHU.					
4		PLANS			22		
5		DESIGN			270		
6		TOTAL FUNDING	JUD		292 C		C
7							
8	6.	LUMP SUM CIP FOR JUDICIARY					
9		FACILITIES, STATEWIDE					
10							
11		PLANS, DESIGN, CONSTRUCTION AND					
12		EQUIPMENT FOR THE GENERAL ALTERATIONS,					
13		UPGRADES, AND IMPROVEMENTS TO JUDICIARY					
14		FACILITIES, STATEWIDE.					
15		PLANS			250		250
16		DESIGN			2,250		2,250
17		CONSTRUCTION			2,250		2,250
18		EQUIPMENT			250		250
19		TOTAL FUNDING	JUD		5,000 C		5,000 C
20							



1                                   **PART V.   ISSUANCE OF BONDS**

2           SECTION 9.   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 \$21,434,000.

7                                   **PART VI.   SPECIAL PROVISIONS**

8           SECTION 10.   Any law or any provision of this Act to the  
9 contrary notwithstanding, the appropriations made for capital  
10 improvement projects authorized in part II and listed in part IV  
11 of this Act shall not lapse at the end of the fiscal year for  
12 which the appropriations are made; provided that all  
13 appropriations made for fiscal year 2011-2012 and fiscal year  
14 2012-2013 that are unencumbered as of June 30, 2014, shall lapse  
15 as of that date.

16           SECTION 11.   The judiciary is authorized to delegate to  
17 other state or county agencies the planning, acquisition of  
18 land, design, construction, and equipment of any capital  
19 improvement project when it is determined by the judiciary to be  
20 advantageous to do so.

21           SECTION 12.   All unrequired balances in the general  
22 obligation bond fund, after the objectives of part II



1 appropriations for capital improvements program purposes listed  
2 as projects in part IV of this Act have been met, shall be  
3 transferred to the judiciary project adjustment fund.

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

10 SECTION 14. Where it has been determined that changed  
11 conditions, such as the reduction in the particular population  
12 being served, permit the reduction in the scope of a project  
13 listed in part IV of this Act, the chief justice may authorize  
14 such reduction of project scope.

15 SECTION 15. The chief justice shall determine when and the  
16 manner in which the authorized capital improvement projects  
17 shall be initiated. The chief justice shall notify the governor  
18 from time to time of the specific amounts required for the  
19 projects, and the governor shall provide for those amounts  
20 through the issuance of bonds authorized in part V of this Act.

21 SECTION 16. Any law or any provision of the law to the  
22 contrary notwithstanding, the chief justice may supplement funds



1 for any cost element for a capital improvement project  
2 authorized under this Act by transferring such sums as may be  
3 needed from the funds appropriated for other cost elements of  
4 the same project by this Act or by any other prior or future Act  
5 that have not lapsed; provided that the total expenditure of  
6 funds for all cost elements for the project shall not exceed the  
7 total appropriation for that project.

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

9 SECTION 17. If any portion of this Act or its application  
10 to any person or circumstances is held to be invalid for any  
11 reason, the remainder of this Act and any provision thereof  
12 shall not be affected. If any portion of a specific  
13 appropriation is held to be invalid for any reason, the  
14 remaining portion shall be independent of the invalid portion  
15 and shall be expended to fulfill the objective and intent of the  
16 appropriation to the extent possible.

17 SECTION 18. If any manifest clerical, typographical, or  
18 other mechanical error is found in this Act, the chief justice  
19 is authorized to correct the error. All changes made pursuant  
20 to this section shall be reported to the legislature at its next  
21 regular session.

22



1 SECTION 19. This Act shall take effect on July 1, 2011.

2



**Report Title:**

Judiciary; Appropriations

**Description:**

Appropriates funds for the judiciary for the fiscal biennium beginning July 1, 2011, and ending on June 30, 2013. (SD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

