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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. SHORT TITLE. This Act shall be known and may  
3 be cited as the Judiciary Appropriations Act of 2017.

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

6           "Means of financing" or "MOF" means the source from which  
7 funds are appropriated or authorized to be expended for the  
8 programs and projects specified in this Act. All appropriations  
9 are followed by letter symbols. The letter symbols, where used,  
10 shall have the following meanings:

- 11           A    general funds
- 12           B    special funds
- 13           C    general obligation bond funds
- 14           N    federal funds
- 15           P    other federal funds
- 16           W    revolving funds



1 "Position ceiling" means the maximum number of permanent  
2 and temporary full-time equivalent positions authorized for a  
3 particular program during a specified period or periods, as  
4 denoted by an asterisk for permanent full-time equivalent  
5 positions and a pound sign for temporary full-time equivalent  
6 positions.

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

10 **PART II. PROGRAM APPROPRIATIONS**

11 SECTION 3. The following sums, or so much thereof as may  
12 be sufficient to accomplish the purposes and programs designated  
13 herein, are appropriated or authorized from the sources of  
14 funding specified to the judiciary for the fiscal biennium  
15 beginning July 1, 2017, and ending June 30, 2019. The total  
16 expenditures and the number of permanent and temporary full-time  
17 equivalent positions established in each fiscal year of the  
18 fiscal biennium shall not exceed the sums and the position  
19 ceilings indicated for each year, except as otherwise provided  
20 in this Act or as provided by general law.



PROGRAM APPROPRIATIONS

				APPROPRIATIONS			
ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	FISCAL YEAR 2017-2018	M O F	FISCAL YEAR 2018-2019	M O F
1	The Judicial System						
2	1.	JUD101 - COURTS OF APPEAL					
3				73.00*		73.00*	
4				1.00#		1.00#	
5	OPERATING		JUD	6,926,345A		6,973,769A	
6							
7	2.	JUD310 - FIRST JUDICIAL CIRCUIT					
8				1,085.50*		1,085.50*	
9				93.58#		93.58#	
10	OPERATING		JUD	84,618,183A		84,869,401A	
11				41.00*		41.00*	
12			JUD	4,303,649B		4,303,649B	
13							
14	3.	JUD320 - SECOND JUDICIAL CIRCUIT					
15				207.00*		207.00*	
16				1.68#		1.68#	
17	OPERATING		JUD	16,897,963A		16,937,804A	
18							
19	4.	JUD330 - THIRD JUDICIAL CIRCUIT					
20				228.00*		228.00*	
21				5.68#		5.68#	
22	OPERATING		JUD	19,970,037A		20,018,501A	
23							
24	5.	JUD350 - FIFTH JUDICIAL CIRCUIT					
25				99.00*		99.00*	
26				2.60#		2.60#	
27	OPERATING		JUD	7,765,050A		7,782,815A	
28							
29	6.	JUD501 - JUDICIAL SELECTION COMMISSION					
30				1.00*		1.00*	
31	OPERATING		JUD	98,790A		98,790A	
32							
33	7.	JUD601 - ADMINISTRATION					
34				227.00*		227.00*	
35				10.48#		10.48#	
36	OPERATING		JUD	26,762,596A		26,417,387A	
37				1.00*		1.00*	
38				9.00#		9.00#	
39			JUD	7,993,737B		7,993,737B	
40			JUD	343,261W		343,261W	
41	INVESTMENT CAPITAL		JUD	7,750,000C		1,600,000C	
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PART III. PROGRAM APPROPRIATION PROVISIONS

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

SECTION 5. Provided that if the chief justice, any agency, or any government unit secures federal funds or other property under any act of Congress or any funds or other property from private organizations or individuals that are to be expended in connection with any program or works authorized by this Act or otherwise, the chief justice or the agency, with the chief justice's approval, may enter into the undertaking with the federal government, private organization, or individual.

SECTION 6. Provided that the judiciary may transfer savings from its general fund appropriation to the driver education and training fund to accommodate any temporary cash flow deficits.

SECTION 7. Provided that the chief justice:

- (1) Shall expend the general funds transferred for fiscal year 2017-2018 and fiscal year 2018-2019 under section

1 21 of the General Appropriations Act of 2017 to the  
2 judiciary from the office of the public defender  
3 (BUF151) for the administration and operation of the  
4 community court outreach project during the applicable  
5 fiscal year, including payment of the personal  
6 services costs for the positions listed under  
7 paragraph (3);

8 (2) Shall assign the transferred general funds to the  
9 budget program ID deemed appropriate by the chief  
10 justice; and

11 (3) May establish one of more of the following permanent  
12 positions, which shall be additional to the position  
13 ceilings of part II, for the administration and  
14 operation of the community court outreach project:

- 15 (A) 1.00 permanent court coordinator; or
- 16 (B) 1.00 permanent social worker; and

17 (4) The chief justice shall submit a report on the  
18 community court outreach project to the legislature no  
19 later than twenty days prior to the regular sessions  
20 of 2018 and 2019. Additionally, if requested by the  
21 public defender, the chief justice shall include in  
22 the report required under this paragraph the community



1 court outreach project memoranda of agreement required  
2 in section 21 of the General Appropriations Act of  
3 2017.

4 **PART IV. CAPITAL IMPROVEMENT PROJECTS**

5 SECTION 8. CAPITAL IMPROVEMENT PROJECTS AUTHORIZED. The  
6 sums of money appropriated or authorized in part II of this Act  
7 for capital improvements shall be expended for the projects  
8 listed below. Several related or similar projects may be  
9 combined into a single project if such combination is  
10 advantageous or convenient for implementation; provided that the  
11 total cost of the projects thus combined shall not exceed the  
12 total of the sums specified for the projects separately. The  
13 amount after each cost element and the amount of total funding  
14 for each project in this part are listed in thousands of  
15 dollars.



CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)			
				FISCAL YEAR 2017-2018	M O F	FISCAL YEAR 2018-2019	M O F
1	A.	ECONOMIC DEVELOPMENT					
2		JUD601 - ADMINISTRATION					
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4	1.	EWA DISTRICT COURT MITIGATE WATER					
5		INTRUSION AND SETTLEMENT - PHASE 2,					
6		OAHU					
7							
8		DESIGN AND CONSTRUCTION TO MITIGATE					
9		WATER INTRUSION AND SETTLEMENT - PHASE 2,					
10		OAHU.					
11		DESIGN			20		
12		CONSTRUCTION			200		
13		TOTAL FUNDING	JUD		220 C		C
14							
15	2.	EWA DISTRICT COURT ROOF FALL					
16		PROTECTION AND RE-ROOFING, OAHU					
17							
18		DESIGN AND CONSTRUCTION OF ROOF FALL					
19		PROTECTION AND RE-ROOFING, OAHU.					
20		DESIGN			25		
21		CONSTRUCTION			175		
22		TOTAL FUNDING	JUD		200 C		C
23							
24	3.	HOAPILI HALE SECURITY IMPROVEMENTS					
25		PHASES 1, 2, AND 3, MAUI					
26							
27		DESIGN AND CONSTRUCTION FOR SECURITY-					
28		RELATED IMPROVEMENTS AT HOAPILI HALE,					
29		MAUI.					
30		DESIGN			100	150	
31		CONSTRUCTION			900	1,450	
32		TOTAL FUNDING	JUD		1,000 C	1,600 C	
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CAPITAL IMPROVEMENT PROJECTS

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ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)			
				FISCAL YEAR 2017-2018	M O F	FISCAL YEAR 2018-2019	M O F
4.		KAAHUMANU HALE FIRE ALARM AND ELEVATOR SYSTEMS UPGRADE AND MODERNIZATION, OAHU					
		PLANS AND DESIGN FOR FIRE ALARM AND ELEVATOR UPGRADE AND MODERNIZATION AT KAAHUMANU HALE, OAHU.					
		PLANS			253		
		DESIGN			1,012		
		TOTAL FUNDING	JUD		1,265 C		C
5.		KAPUAIWA BUILDING SEPARATE STORM DRAIN AND SANITARY SEWER SYSTEMS, OAHU					
		DESIGN AND CONSTRUCTION FOR THE STORM DRAINAGE AND BASEMENT LEVEL SANITARY SEWER LINES OF THE JUDICIARY'S KAPUAIWA BUILDING. THE KAPUAIWA BUILDING CURRENTLY COMBINES AND DISCHARGES INTO THE CITY AND COUNTY OF HONOLULU'S ("CITY") SANITARY SEWER COLLECTION SYSTEM. NOT ONLY IS THIS COMBINED DISCHARGE CONTRIBUTING TO THE RECENT FLOODING IN THE KAPUAIWA BASEMENT, BUT IT IS A VIOLATION OF CITY AND COUNTY OF HONOLULU ORDINANCE. THIS PROJECT WILL ADD A NEW SANITARY SEWER LIFT STATION, MODIFY THE EXISTING PUMP STATION TO SERVE THE STORM DRAINAGE, AND SEPARATE STORM WATER AND WASTEWATER DISCHARGE FLOWS.					
		DESIGN			125		
		CONSTRUCTION			550		
		TOTAL FUNDING	JUD		675 C		C





CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)			
				FISCAL YEAR 2017-2018	M O F	FISCAL YEAR 2018-2019	M O F
6.		KAUAI JUDICIARY COMPLEX REROOF AND REPAIR LEAKS AND DAMAGES, KAUAI					
		DESIGN AND CONSTRUCTION TO REROOF COURTHOUSE. REPAIR COOLING TOWER ROOF. INSTALL FALL PROTECTION SAFETY ANCHORS. INSTALL ROOF ACCESS HATCH AND LADDER. REPAIR AND REPAINT EXTERIOR FINISH SYSTEM AT EXTERIOR WALLS. RESEAL WINDOWS. REPLACE EXTERIOR DOORS. REPAIR WATER DAMAGES AT INTERIOR LOCATIONS. REPAIR OTHER INCIDENTAL DAMAGES.					
		DESIGN			390		
		CONSTRUCTION			1,000		
		TOTAL FUNDING	JUD		1,390 C		C
7.		LUMP SUM CIP FOR JUDICIARY FACILITIES, STATEWIDE					
		PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR THE GENERAL ALTERATIONS, UPGRADES, AND IMPROVEMENTS TO JUDICIARY FACILITIES, STATEWIDE.					
		PLANS			50		
		DESIGN			300		
		CONSTRUCTION			2,625		
		EQUIPMENT			25		
		TOTAL FUNDING	JUD		3,000 C		C



**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 \$9,350,000.

**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 2017-2018 and fiscal year  
**14** 2018-2019 that are unencumbered as of June 30, 2020, shall lapse  
**15** as of that date.

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

**21 SECTION 12.** Where it has been determined that changed  
**22** conditions, such as a reduction in the particular population



1 being served, permit the reduction in the scope of a project  
2 listed in part IV of this Act, the chief justice may authorize  
3 such reduction of project scope.

4 SECTION 13. The chief justice shall determine when and the  
5 manner in which the authorized capital improvement projects  
6 shall be initiated. The chief justice shall notify the governor  
7 from time to time of the specific amounts required for the  
8 projects, and the governor shall provide for those amounts  
9 through the issuance of bonds authorized in part V of this Act.

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

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

20 SECTION 15. If any portion of this Act or its application  
21 to any person, entity, or circumstance is held to be invalid for  
22 any reason, the legislature declares that the remainder of the



1 Act and each and every other provision thereof shall not be  
2 affected thereby. If any portion of a specific appropriation is  
3 held to be invalid for any reason, the remaining portion shall  
4 be expended to fulfill the objective of such appropriation to  
5 the extent possible.

6 SECTION 16. If manifest clerical, typographical, or other  
7 mechanical errors are found in this Act, the chief justice may  
8 correct such errors.

9 SECTION 17. This Act shall take effect on July 1, 2017.



**Report Title:**

Judiciary Package; Appropriations; Budget

**Description:**

Appropriates funds for the judiciary for the fiscal biennium beginning 7/1/2017 and ending 6/30/2019. Effective 7/1/2017.  
(CD1)

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

