
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 2017.

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

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

- 11 A General funds
12 B Special funds
13 C General obligation bond funds
14 N Federal funds
15 W Revolving funds

16 (b) "Position ceiling" means the maximum number of
17 permanent and temporary full-time equivalent positions
18 authorized for a particular program during a specified period or



1 periods, as denoted by an asterisk for permanent full-time
2 equivalent positions and a pound sign for temporary full-time
3 equivalent positions.

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

7 **PART II. PROGRAM APPROPRIATIONS**

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

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PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS			
				FISCAL YEAR 2017-2018	M O F	FISCAL YEAR 2018-2019	M O F
1							
2		THE JUDICIAL SYSTEM					
3	1.	JUD101 - COURTS OF APPEAL					
4				74.00*		74.00*	
5				1.00#		1.00#	
6		OPERATING	JUD	6,934,158A		6,978,787A	
7							
8	2.	JUD310 - FIRST CIRCUIT					
9				1,092.50*		1,092.50*	
10				93.58#		93.58#	
11		OPERATING	JUD	84,998,780A		84,715,106A	
12				41.00*		41.00*	
13			JUD	4,303,649B		4,303,649B	
14							
15	3.	JUD320 - SECOND CIRCUIT					
16				210.00*		210.00*	
17				1.68#		1.68#	
18		OPERATING	JUD	16,949,410A		17,011,178A	
19							
20	4.	JUD330 - THIRD CIRCUIT					
21				231.00*		234.00*	
22				5.68#		5.68#	
23		OPERATING	JUD	20,129,123A		19,971,023A	
24							
25	5.	JUD350 - FIFTH CIRCUIT					
26				101.00*		101.00*	
27				2.60#		2.60#	
28		OPERATING	JUD	7,801,847A		7,849,159A	
29							
30	6.	JUD501 - JUDICIAL SELECTION COMMISSION					
31				1.00*		1.00*	
32		OPERATING	JUD	98,790A		98,790A	
33							
34							
35							
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PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS			
				FISCAL YEAR 2017-2018	M O F	FISCAL YEAR 2018-2019	M O F
1							
2	7.	JUD601 - ADMINISTRATION					
3				227.00*		227.00*	
4				10.48#		10.48#	
5		OPERATING	JUD	27,822,794A		27,787,665A	
6				1.00*		1.00*	
7				9.00#		9.00#	
8			JUD	7,993,737B		7,993,737B	
9			JUD	343,261W		343,261W	
10		INVESTMENT CAPITAL	JUD	15,365,000C		12,000,000C	
11							



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, may transfer sufficient funds and positions
5 between programs for operating purposes; provided further that
6 the transfer authority conferred upon the chief justice by this
7 section shall not apply to the funds appropriated and positions
8 authorized in section 7; and provided further that no transfer
9 shall be made to implement any collective bargaining contract
10 signed after this legislature adjourns sine die.

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

20 SECTION 6. Provided that the judiciary may transfer
21 savings from its general fund appropriation to the driver



1 education and training fund to accommodate any temporary cash
2 flow deficits.

3 SECTION 7. Provided that of the general fund
4 appropriations for fiscal year 2017-2018 and fiscal year 2018-
5 2019 for judiciary administration (JUD601):

6 (1) The chief justice shall expend \$316,000 or so much
7 thereof as may be necessary for fiscal year 2017-2018
8 and the sum of \$632,000 or so much thereof as may be
9 necessary for fiscal year 2018-2019 for the purposes
10 specified in two of the following three subparagraphs;
11 provided that no expenditure may be made for the
12 purpose of subparagraph (B) unless the condition under
13 that subparagraph for the passage of another act is
14 met:

15 (A) For the family court of the first circuit:
16 (i) Personal services for 1.00 permanent
17 district family court judge, 2.00 permanent
18 circuit court clerk II positions, and 1.00
19 permanent court bailiff II position, all of
20 which were established before January 1,
21 2017, and fall under the position ceiling



1 established under part II for the first
2 circuit (JUD310);

3 (ii) Other current expenses; and

4 (iii) Equipment;

5 (B) For the district court of the second circuit, if
6 another act is enacted to authorize a fourth
7 district court judge for the second circuit:

8 (i) Personal services for 1.00 permanent
9 district court judge, 2.00 permanent
10 district court clerk II positions, and 1.00
11 permanent bailiff II position;

12 (ii) Other current expenses; and

13 (iii) Equipment.

14 For the purpose of this subparagraph, "another
15 act" means an act other than this Act that is
16 enacted during the regular session of 2017 or
17 2018; or

18 (C) For the family court of the fifth circuit:

19 (i) Personal services for 1.00 permanent family
20 court judge, 2.00 permanent circuit court
21 clerk II positions, and 1.00 permanent
22 bailiff II position;



- 1 (ii) Other current expenses; and
- 2 (iii) Equipment;
- 3 (2) If the chief justice decides to expend a portion of
- 4 the general fund appropriation of paragraph (1) for
- 5 the family court of the first circuit, the chief
- 6 justice shall transfer a portion of the amount
- 7 appropriated to the first circuit (JUD310) and expend
- 8 the transferred appropriation for the purpose
- 9 specified under paragraph (1) (A) for fiscal year 2017-
- 10 2018 and fiscal year 2018-2019, as applicable. From
- 11 fiscal biennium 2019-2021, the general fund
- 12 appropriation transferred pursuant to this paragraph
- 13 for fiscal year 2018-2019 shall be deemed part of and
- 14 included in the base budget for the first circuit
- 15 (JUD310);
- 16 (3) If the chief justice decides to expend a portion of
- 17 the general fund appropriation of paragraph (1) for
- 18 the district court of the second circuit, the chief
- 19 justice shall:
- 20 (A) Transfer a portion of the amount appropriated to
- 21 the second circuit (JUD320) and expend the
- 22 transferred appropriation for the purpose



1 specified under paragraph (1)(B) for fiscal year
2 2017-2018 and fiscal year 2018-2019, as
3 applicable; and

4 (B) Establish for fiscal year 2017-2018 and fiscal
5 year 2018-2019 the permanent positions listed in
6 paragraph (1)(B)(i), notwithstanding the position
7 ceiling established under part II for the second
8 circuit (JUD320).

9 From fiscal biennium 2019-2021, the 4.00 positions
10 identified pursuant to paragraph (1)(B)(i) and the
11 general fund appropriation transferred pursuant to
12 this paragraph for fiscal year 2018-2019 shall be
13 deemed part of and included in the base budget for the
14 second circuit (JUD320), and the position ceiling for
15 the second circuit (JUD320) shall be deemed increased
16 accordingly;

17 (4) If the chief justice decides to expend a portion of
18 the general fund appropriation of paragraph (1) for
19 the family court of the fifth circuit, the chief
20 justice shall:

21 (A) Transfer a portion of the amount appropriated to
22 the fifth circuit (JUD350) and expend the



1 transferred appropriation for the purpose
2 specified under paragraph (1)(C) for fiscal year
3 2017-2018 and fiscal year 2018-2019, as
4 applicable; and

5 (B) Establish for fiscal year 2017-2018 and fiscal
6 year 2018-2019 the permanent positions listed in
7 paragraph (1)(C)(i), notwithstanding the position
8 ceiling established under part II for the fifth
9 circuit (JUD350).

10 From fiscal biennium 2019-2021, the funding
11 appropriated for the 4.00 positions identified in
12 paragraph (1)(C)(i) and the general fund appropriation
13 transferred pursuant to this paragraph for fiscal year
14 2018-2019 shall be deemed part of and included in the
15 base budget for the fifth circuit (JUD350), and the
16 position ceiling for the fifth circuit (JUD350) shall
17 be deemed increased accordingly; and

18 (5) The chief justice shall notify the legislature of the
19 purpose for which the general fund appropriation under
20 paragraph (1) will be expended, within ten days after
21 commencing the expenditure.



1 PART IV. CAPITAL IMPROVEMENT PROJECTS

2 SECTION 8. The sum of \$27,365,000 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 are in thousands of
12 dollars.

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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
		THE JUDICIAL SYSTEM					
		JUD601 - ADMINISTRATION					
	1.	KA`AHUMANU HALE FIRE ALARM AND ELEVATOR SYSTEMS UPGRADE AND MODERNIZATION, O`AHU.					
		DESIGN AND CONSTRUCTION FOR FIRE ALARM AND ELEVATOR SYSTEMS UPGRADE AND MODERNIZATION AT KA`AHUMANU HALE, O`AHU.					
		DESIGN			400		
		CONSTRUCTION			8,900		6,300
		TOTAL FUNDING	JUD		9,300 C		6,300 C
	2.	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		50
		DESIGN			300		300
		CONSTRUCTION			2,625		2,625
		EQUIPMENT			25		25
		TOTAL FUNDING	JUD		3,000 C		3,000 C
	3.	HOAPILI HALE SECURITY IMPROVEMENTS, MAUI.					
		DESIGN AND CONSTRUCTION FOR SECURITY IMPROVEMENTS AT HOAPILI HALE, MAUI.					
		DESIGN			100		150
		CONSTRUCTION			900		1,450
		TOTAL FUNDING	JUD		1,000 C		1,600 C



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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
2							
3							
4	4.	KAUA`I JUDICIARY COMPLEX REROOF AND REPAIR LEAKS AND DAMAGES, KAUA`I.					
5							
6							
7		DESIGN AND CONSTRUCTION TO REROOF AND REPAIR LEAKS AND DAMAGES AT KAUA`I JUDICIARY COMPLEX, KAUA`I.					
8							
9							
10		DESIGN			390		
11		CONSTRUCTION			1,000		1,100
12		TOTAL FUNDING	JUD		1,390 C		1,100 C
13							
14	5.	KAPUAIWA BUILDING SEPARATE STORM DRAIN AND SANITARY SEWER SYSTEMS, O`AHU.					
15							
16							
17							
18		DESIGN AND CONSTRUCTION FOR SEPARATE STORM DRAIN AND SANITARY SEWER SYSTEMS AT KAPUAIWA BUILDING, O`AHU.					
19							
20							
21		DESIGN			125		
22		CONSTRUCTION			550		
23		TOTAL FUNDING	JUD		675 C		0 C
24							



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 \$27,365,000.

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.



1 SECTION 12. All unrequired balances in the general
2 obligation bond fund, after the objectives of part II
3 appropriations for capital improvements program purposes listed
4 as projects in part IV of this Act have been met, shall be
5 transferred to the judiciary project adjustment fund.

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

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

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



1 SECTION 16. Any law or any provision of this Act to the
2 contrary notwithstanding, the chief justice may supplement funds
3 for any cost element for a capital improvement project
4 authorized under this Act by transferring such sums as may be
5 needed from the funds appropriated for other cost elements of
6 the same project by this Act or by any other prior or future Act
7 that has not lapsed; provided that the total expenditure of
8 funds for all cost elements for the project shall not exceed the
9 total appropriation for that project.

10 PART VII. MISCELLANEOUS PROVISIONS AND EFFECTIVE DATE

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

19 SECTION 18. If any manifest clerical, typographical, or
20 other mechanical error is found in this Act, the chief justice
21 may correct the error. All changes made pursuant to this



1 section shall be reported to the legislature at its next regular
2 session.

3 SECTION 19. 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 July 1, 2017, and ending June 30, 2019. Effective July 1, 2017.

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

