

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.

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PROGRAM APPROPRIATIONS

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ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS			
				FISCAL YEAR 2009-2010	M O F	FISCAL YEAR 2010-2011	M O F
The Judicial System							
1.	JUD101	COURTS OF APPEAL		80.00*		80.00*	
	OPERATING		JUD	7,397,336		7,397,336A	
			JUD	243,261W		243,261W	
2.	JUD310	FIRST JUDICIAL CIRCUIT		1,098.50*		1,098.50*	
	OPERATING		JUD	76,631,824A		76,703,524A	
			JUD	40.00*		40.00*	
			JUD	3,777,131B		3,784,971B	
3.	JUD320	SECOND JUDICIAL CIRCUIT		220.00*		220.00*	
	OPERATING		JUD	16,130,226A		16,130,226A	
4.	JUD330	THIRD JUDICIAL CIRCUIT		229.00*		229.00*	
	OPERATING		JUD	19,020,059A		19,020,059A	
5.	JUD350	FIFTH JUDICIAL CIRCUIT		98.00*		98.00*	
	OPERATING		JUD	7,316,426A		7,316,426A	
6.	JUD501	JUDICIAL SELECTION COMMISSION		1.00*		1.00*	
	OPERATING		JUD	99,292A		99,292A	
7.	JUD601	ADMINISTRATION		228.00*		228.00*	
	OPERATING		JUD	13,470,020A		13,470,020A	
			JUD	1.00*		1.00*	
			JUD	8,396,900B		6,930,290B	
			JUD	100,000W		100,000W	
	INVESTMENT CAPITAL		JUD	14,575,000C		23,000,000C	

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 \$37,575,000 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.

12 **CAPITAL IMPROVEMENT PROJECTS**

13 **APPROPRIATIONS (IN 000'S)**

14	ITEM	CAPITAL		EXPENDING	FISCAL	M	FISCAL	M
15	NO.	PROJECT.	TITLE	AGENCY	YEAR	O	YEAR	O
16		NO.			2009-10	F	2010-11	F
17								
18			THE JUDICIAL SYSTEM					
19								
20			JUD601 - ADMINISTRATION					
21								
22	1.		KAPOLEI JUDICIARY COMPLEX, O'AHU					
23								
24			PLANS AND DESIGN FOR A NEW					
25			ADMINISTRATIVE SERVICES OFFICE					
26			BUILDING AT KAPOLEI, O'AHU					
27			PLANS		225			
28			DESIGN		5		3,000	
29			TOTAL FUNDING	JUD	230	C	3,000	C
30								
31	2.		KA'AHUMANU HALE MAUKA WING ROOF AND					
32			MISCELLANEOUS LANAI DECK SURFACE					
33			IMPROVEMENTS, O'AHU					

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2		PLANS, DESIGN, AND CONSTRUCTION				
3		FOR MAUKA WING ROOF AND MISCELLANEOUS				
4		LANAI DECK SURFACE IMPROVEMENTS AT				
5		KA'AHUMANU HALE, O'AHU				
6		PLANS		60		
7		DESIGN		350		
8		CONSTRUCTION		3,490		
9		TOTAL FUNDING	JUD	3,900	C	0 C
10						
11	3.	KAUIKEAOULI HALE ELEVATOR SYSTEMS				
12		UPGRADE AND MODERNIZATION, O'AHU				
13						
14		DESIGN AND CONSTRUCTION FOR UPGRADES				
15		AND MODERNIZATION TO THE ELEVATORS				
16		AT KAUIKEAOULI HALE, O'AHU				
17		DESIGN		245		
18		CONSTRUCTION		3,750		
19		TOTAL FUNDING		3,995	C	0 C
20						
21	JUD601	- ADMINISTRATION				
22						
23	4.	KONA JUDICIARY COMPLEX, HAWAI'I				
24						
25		PLANS AND LAND FOR A NEW JUDICIARY				
26		COMPLEX AT KONA, HAWAI'I				
27		PLANS		500		
28		LAND		50		
29		TOTAL FUNDING	JUD	550	C	0 C
30						
31	5.	LUMP SUM CIP FOR JUDICIARY				
32		FACILITIES, STATEWIDE				
33						
34		PLANS, DESIGN, CONSTRUCTION, AND				
35		EQUIPMENT FOR GENERAL ALTERATIONS,				
36		UPGRADES AND IMPROVEMENTS TO				
37		JUDICIARY FACILITIES STATEWIDE				
38		PLANS		250		150
39		DESIGN		3,150		1,500
40		CONSTRUCTION		2,250		23,250
41		EQUIPMENT		250		100
42		TOTAL FUNDING	JUD	5,900	C	20,000 C
43						

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 and capital improvement budget of the judiciary for fiscal years 2009-2010 and 2010-2011. (SD1)