

JAN 23 2009

A BILL FOR AN ACT

RELATING TO THE JUDICIARY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

PART I. GENERAL PROVISIONS

1
2 SECTION 1. This Act shall be known and may be cited as the
3 Judiciary Appropriations Act of 2009.

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

6 (a) "Program ID" means the unique identifier for the specific
7 program, and consists of the abbreviation for the judiciary (JUD)
8 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, to
11 be expended for the programs and projects specified in this Act.

12 All appropriations are followed by letter symbols. The letter
13 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



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.



PROGRAM APPROPRIATIONS

A P P R O P R I A T I O N S

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	FISCAL YEAR 2009-10	M O F	FISCAL YEAR 2010-11	M O F
1		THE JUDICIAL SYSTEM					
2							
3		1. JUD101 - COURTS OF APPEAL					
4				80.00	*	80.00	*
5		OPERATING	JUD	7,566,428	A	7,631,540	A
6			JUD	243,261	W	243,261	W
7							
8		2. JUD310 - FIRST CIRCUIT					
9				1098.50	*	1098.50	*
10		OPERATING	JUD	79,512,933	A	80,540,640	A
11				40.00	*	40.00	*
12			JUD	3,777,131	B	3,784,971	B
13							
14		3. JUD320 - SECOND CIRCUIT					
15				220.00	*	220.00	*
16		OPERATING	JUD	16,616,351	A	16,914,207	A
17							
18		4. JUD330 - THIRD CIRCUIT					
19				229.00	*	229.00	*
20		OPERATING	JUD	19,578,412	A	19,733,694	A
21							
22		5. JUD350 - FIFTH CIRCUIT					
23				98.00	*	98.00	*
24		OPERATING	JUD	7,812,771	A	8,047,096	A
25							
26		6. JUD501 - JUDICIAL SELECTION COMMISSION					
27				1.00	*	1.00	*
28		OPERATING	JUD	99,292	A	99,292	A
29							
30		7. JUD601 - ADMINISTRATION					
31				228.00	*	228.00	*
32		OPERATING	JUD	24,245,676	A	25,547,229	A
33				1.00	*	1.00	*
34			JUD	8,396,900	B	6,930,290	B
35			JUD	100,000	W	100,000	W
36		INVESTMENT CAPITAL	JUD	14,575,000	C	28,000,000	C

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(JUD-09-01)

PART III. PROGRAM PROVISIONS

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SECTION 4. Provided that whenever the need arises, the chief justice, in administering an equitable and expeditious judicial process, is authorized to transfer sufficient funds and positions between programs for operating purposes; and 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, or 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 which 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, shall have the power to enter into the undertaking with the federal government, private organization, or individual; and provided further that while most federal aid allocations are known and state matching funds are provided in this Act, in instances where programs for which federal-state cost sharing is not yet determined, the availability of federal funds shall be construed as a proportionate reduction of state costs whenever possible.

SECTION 6. Provided that the judiciary is authorized to transfer savings from its general fund appropriation to the driver education special fund to accommodate any temporary cash flow deficits.

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PART IV. CAPITAL IMPROVEMENT PROJECTS

SECTION 7. The sum of \$42,575,000 appropriated or authorized in Part II of this Act for capital improvement projects shall be expended by the judiciary for the projects listed below; provided that several related or similar projects may be combined into a single project, if a combination is advantageous or convenient for implementation; and provided further that the total cost of the projects thus combined shall not exceed the total of the sums specified for the projects separately. The amount after each cost element and the total funding for each project listed in this Part is in thousands of dollars.

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT. NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)			
				FISCAL YEAR 2009-10	M O F	FISCAL YEAR 2010-11	M O F
1		THE JUDICIAL SYSTEM					
2							
3		JUD601 - ADMINISTRATION					
4							
5	1.	KAPOLEI JUDICIARY COMPLEX, O`AHU					
6							
7		PLANS AND DESIGN FOR A NEW					
8		ADMINISTRATIVE SERVICES OFFICE					
9		BUILDING AT KAPOLEI, O`AHU					
10		PLANS			225		
11		DESIGN			5		3,000
12		TOTAL FUNDING	JUD		230	C	3,000 C
13							
14	2.	KA`AHUMANU HALE MAUKA WING ROOF AND					
15		MISCELLANEOUS LANAI DECK SURFACE					
16		IMPROVEMENTS, O`AHU					
17							
18		PLANS, DESIGN, AND CONSTRUCTION					
19		FOR MAUKA WING ROOF AND MISCELLANEOUS					
20		LANAI DECK SURFACE IMPROVEMENTS AT					
21		KA`AHUMANU HALE, O`AHU					
22		PLANS			60		
23		DESIGN			350		
24		CONSTRUCTION			3,490		
25		TOTAL FUNDING	JUD		3,900	C	0 C
26							
27	3.	KAUIKEAOULI HALE ELEVATOR SYSTEMS					
28		UPGRADE AND MODERNIZATION, O`AHU					
29							
30		DESIGN AND CONSTRUCTION FOR UPGRADES					
31		AND MODERNIZATION TO THE ELEVATORS					
32		AT KAUIKEAOULI HALE, O`AHU					
33		DESIGN			245		
34		CONSTRUCTION			3,750		
35		TOTAL FUNDING	JUD		3,995	C	0 C
36							



CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)			
				FISCAL YEAR 2009-10	M O F	FISCAL YEAR 2010-11	M O F
1		THE JUDICIAL SYSTEM					
2							
3		JUD601 - ADMINISTRATION					
4							
5	4.	KONA JUDICIARY COMPLEX, HAWAI`I					
6							
7		PLANS AND LAND FOR A NEW JUDICIARY					
8		COMPLEX AT KONA, HAWAI`I					
9		PLANS			500		
10		LAND			50		
11		TOTAL FUNDING	JUD		550	C	0 C
12							
13	5.	LUMP SUM CIP FOR JUDICIARY					
14		FACILITIES, STATEWIDE					
15							
16		PLANS, DESIGN, CONSTRUCTION, AND					
17		EQUIPMENT FOR GENERAL ALTERATIONS,					
18		UPGRADES AND IMPROVEMENTS TO					
19		JUDICIARY FACILITIES STATEWIDE					
20		PLANS			250		150
21		DESIGN			3,150		1,500
22		CONSTRUCTION			2,250		23,250
23		EQUIPMENT			250		100
24		TOTAL FUNDING	JUD		5,900	C	25,000 C
25							
26							

PART V. ISSUANCE OF BONDS

SECTION 8. 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



1 this Act; provided that the sum total of the general obligation
2 bonds so issued shall not exceed \$42,575,000.

3 **PART VI. SPECIAL PROVISIONS**

4 SECTION 9. Any law or any provision of this Act to the
5 contrary notwithstanding, the appropriations made for capital
6 improvement projects authorized in Part II and listed in Part IV
7 of this Act shall not lapse at the end of the fiscal year for
8 which the appropriations are made; provided that all
9 appropriations made for fiscal year 2009-2010 and fiscal year
10 2010-2011, which are unencumbered as of June 30, 2012, shall
11 lapse as of that date.

12 SECTION 10. The judiciary is authorized to delegate to
13 other state or county agencies the planning, acquiring of land,
14 designing, constructing, and equipping of any capital
15 improvement project when it is determined by the judiciary to be
16 advantageous to do so.

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

22 SECTION 12. If the amount allocated from the general
23 obligation bond fund for a capital improvement project listed in
24 part IV of this Act is insufficient, the chief justice may make



1 supplemental allotments from the project adjustment fund;
2 provided that supplemental allotments shall not be used to
3 increase the scope of the project.

4 SECTION 13. Where it has been determined that changed
5 conditions, such as reduction in the particular population being
6 served, permit the reduction in the scope of a project listed in
7 Part IV of this Act , the chief justice may authorize such
8 reduction of project scope.

9 SECTION 14. The chief justice shall determine when and the
10 manner in which the authorized capital improvement projects
11 shall be initiated. The chief justice shall notify the governor
12 from time to time of the specific amounts required for the
13 projects, and the governor shall provide for those amounts
14 through the issuance of bonds authorized in Part V of this Act.

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



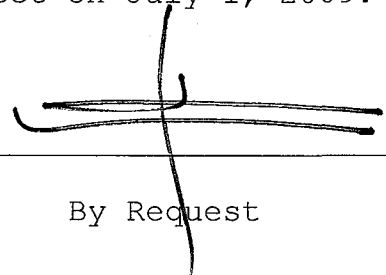
1 PART VII. MISCELLANEOUS PROVISIONS AND EFFECTIVE DATE

2 SECTION 16. If any portion of this Act or its application
3 to any person or circumstances is held to be invalid for any
4 reason, the remainder of the Act and any provision thereof shall
5 not be affected. If any portion of a specific appropriation is
6 held to be invalid for any reason, the remaining portion shall
7 be independent of the invalid portion and shall be expended to
8 fulfill the objective and intent of the appropriation to the
9 extent possible.

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

15 SECTION 18. This Act shall take effect on July 1, 2009.
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INTRODUCED BY: _____



By Request



Report Title:

Judiciary; Appropriations

Description:

Appropriates funds to the Judiciary for fiscal biennium 2009-2010

