

JAN 21 2011

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

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

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	FISCAL		FISCAL	
				YEAR	M	YEAR	M
				2011-2012	F	2012-2013	F
1		THE JUDICIAL SYSTEM					
2							
3	1.	JUD101 - COURTS OF APPEAL					
4				79.00	*	79.00	*
5		OPERATING	JUD	7,089,488	A	7,421,204	A
6			JUD	243,261	W	243,261	W
7							
8	2.	JUD310 - FIRST CIRCUIT					
9				1,057.50	*	1,057.50	*
10		OPERATING	JUD	72,577,257	A	74,007,389	A
11				41.00	*	41.00	*
12			JUD	4,002,620	B	4,002,620	B
13							
14	3.	JUD320 - SECOND CIRCUIT					
15				209.00	*	209.00	*
16		OPERATING	JUD	15,139,493	A	15,394,607	A
17							
18	4.	JUD330 - THIRD CIRCUIT					
19				227.00	*	227.00	*
20		OPERATING	JUD	17,873,833	A	18,202,911	A
21							
22	5.	JUD350 - FIFTH CIRCUIT					
23				99.00	*	99.00	*
24		OPERATING	JUD	6,883,879	A	7,003,539	A
25							
26	6.	JUD501 - JUDICIAL SELECTION COMMISSION					
27				1.00	*	1.00	*
28		OPERATING	JUD	90,248	A	90,248	A
29							
30	7.	JUD601 - ADMINISTRATION					
31				213.00	*	213.00	*
32		OPERATING	JUD	21,486,894	A	21,486,894	A
33				1.00	*	1.00	*
34			JUD	6,930,290	B	6,930,290	B
35			JUD	100,000	W	100,000	W
36		INVESTMENT CAPITAL	JUD	24,614,000	C	14,350,000	C
37							



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 justices' 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 special fund to accommodate any temporary cash
20 flow deficits.



1 PART IV. CAPITAL IMPROVEMENT PROJECTS

2 SECTION 7. The sum of \$38,964,000 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 is in thousands of
12 dollars.



CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000S)			
				FISCAL YEAR 2011-2012	M O F	FISCAL YEAR 2012-2013	M O F
1		THE JUDICIAL SYSTEM					
2							
3	JUD601	- ADMINISTRATION					
4							
5	1.	KAPOLEI JUDICIARY COMPLEX, OAHU					
6							
7		DESIGN FOR A NEW ADMINISTRATIVE					
8		SERVICES OFFICE BUILDING AT KAPOLEI,					
9		OAHU.					
10		DESIGN		6,500			0
11		TOTAL FUNDING	JUD	6,500	C		0 C
12							
13	2.	KONA JUDICIARY COMPLEX, HAWAII					
14							
15		LAND AND DESIGN FOR A NEW					
16		JUDICIARY COMPLEX AT KONA, HAWAII.					
17		LAND		4,500			
18		DESIGN				7,500	
19		TOTAL FUNDING	JUD	4,500	C	7,500	C
20							
21	3.	KAAHUMANU HALE ROOF AND LANAI					
22		UPGRADES AND IMPROVEMENTS, OAHU					
23							
24		PLANS, DESIGN, AND CONSTRUCTION					
25		FOR ROOF AND LANAI UPGRADES AND					
26		IMPROVEMENTS AT KAAHUMANU HALE,					
27		OAHU.					
28		PLANS		80			
29		DESIGN		360			
30		CONSTRUCTION		4,205			
31		TOTAL FUNDING	JUD	4,645	C		0 C
32							
33	4.	ALIIOLANI HALE EXTERIOR AND CLOCK					
34		TOWER IMPROVEMENTS, OAHU					
35							
36		DESIGN, AND CONSTRUCTION FOR					
37		EXTERIOR AND CLOCK TOWER IMPROVEMENTS					



1	AT ALIIOLANI HALE, OAHU.				
2	DESIGN		40		
3	CONSTRUCTION		3,000		
4	TOTAL FUNDING	JUD	3,040	C	0 C
5					
6	5. KAPUAIWA BUILDING WINDOW REPLACEMENT				
7	AND UPGRADE, OAHU				
8					
9	DESIGN AND CONSTRUCTION FOR				
10	REPLACEMENT AND UPGRADE OF WINDOWS AT				
11	THE KAPUAIWA BUILDING, OAHU.				
12	DESIGN		185		
13	CONSTRUCTION				1,850
14	TOTAL FUNDING	JUD	185	C	1,850 C
15					
16	6. KAUIKEAOULI HALE CELLBLOCK UPGRADE				
17	AND IMPROVEMENTS, OAHU				
18					
19	PLANS AND DESIGN FOR SECURITY-				
20	RELATED UPGRADE AND IMPROVEMENTS TO				
21	THE MAIN CELLBLOCK AND CUSTODY HOLDING				
22	AREAS AT KAUIKEAOULI HALE, OAHU.				
23	PLANS		65		
24	DESIGN		240		
25	TOTAL FUNDING	JUD	305	C	0
26					
27	7. KAAHUMANU HALE FIRE ALARM SYSTEM				
28	UPGRADE AND IMPROVEMENTS, OAHU.				
29					
30	PLANS AND DESIGN FOR FIRE ALARM				
31	SYSTEM UPGRADE AND IMPROVEMENTS,				
32	OAHU.				
33	PLANS		7		
34	DESIGN		140		
35	TOTAL FUNDING	JUD	147	C	0 C
36					
37	8. KAAHUMANU HALE ELEVATOR SYSTEM				
38	UPGRADE AND MODERNIZATION, OAHU				
39					
40	DESIGN AND CONSTRUCTION FOR				
41	UPGRADES AND MODERNIZATION TO THE				
42	ELEVATORS AT KAUIKEAOULI HALE, OAHU				
43	PLANS		22		
44	DESIGN		270		
45	TOTAL FUNDING	JUD	292	0	C
46					
47	9. LUMP SUM CIP FOR JUDICIARY FACILITIES,				



1	STATEWIDE				
2					
3	PLANS, DESIGN, CONSTRUCTION, AND				
4	EQUIPMENT FOR GENERAL ALTERATIONS, UPGRADES,				
5	AND IMPROVEMENTS TO JUDICIARY FACILITIES,				
6	STATEWIDE.				
7	PLANS	250		250	
8	DESIGN	2,250		2,250	
9	CONSTRUCTION	2,250		2,250	
10	EQUIPMENT	250		250	
11	TOTAL FUNDING		JUD	5,000 C	5,000 C
12					



1 PART V. ISSUANCE OF BONDS

2 SECTION 8. 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 \$38,964,000.

7 PART VI. SPECIAL PROVISIONS

8 SECTION 9. 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 10. 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 11. 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 12. 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 13. Where it has been determined that changed
11 conditions, such as reduction in the particular population being
12 served, permit the reduction in the scope of a project listed in
13 Part IV of this Act, the chief justice may authorize such
14 reduction of project scope.

15 SECTION 14. 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 15. 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 has 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 16. 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 the Act and any provision thereof shall
12 not be affected. If any portion of a specific appropriation is
13 held to be invalid for any reason, the remaining portion shall
14 be independent of the invalid portion and shall be expended to
15 fulfill the objective and intent of the appropriation to the
16 extent possible.

17 SECTION 17. 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.



1 SECTION 18. This Act shall take effect on July 1, 2011.

2

INTRODUCED BY: 
By Request



Report Title:

Judiciary; Appropriations

Description:

Appropriates funds for the judiciary for the fiscal biennium beginning 07/01/11 and ending on 06/30/13.

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

