

JAN 20 2017

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 "Means of financing" or "MOF" means the source from which
7 funds are appropriated, or authorized, as the case may be, to be
8 expended for the programs and projects specified in this Act.

9 All appropriations are followed by letter symbols. The letter
10 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



1 "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 "Program ID" means the unique identifier for the specific
5 program, and consists of the abbreviation for the judiciary
6 (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 positions established
14 in each fiscal year of the fiscal biennium shall not exceed the
15 sums and the position ceilings indicated for each year, except
16 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 2017-18 | M O F | FISCAL YEAR 2018-19 | M O F |
|---------------------|----------|---|------------------|---------------------|-------|---------------------|-------|
| THE JUDICIAL SYSTEM | | | | | | | |
| 1 | | | | | | | |
| 2 | | | | | | | |
| 3 | | 1. JUD101 - COURTS OF APPEAL | | | | | |
| 4 | | | | 74.00 | * | 74.00 | * |
| 5 | | | | 1.00 | ** | 1.00 | ** |
| 6 | | OPERATING | JUD | 6,980,704 | A | 7,072,757 | A |
| 7 | | | | | | | |
| 8 | | 2. JUD310 - FIRST CIRCUIT | | | | | |
| 9 | | | | 1,092.50 | * | 1,092.50 | * |
| 10 | | | | 93.58 | ** | 93.58 | ** |
| 11 | | OPERATING | JUD | 85,364,131 | A | 85,934,459 | A |
| 12 | | | | 41.00 | * | 41.00 | * |
| 13 | | | JUD | 4,303,649 | B | 4,303,649 | B |
| 14 | | | | | | | |
| 15 | | 3. JUD320 - SECOND CIRCUIT | | | | | |
| 16 | | | | 214.00 | * | 214.00 | * |
| 17 | | | | 1.68 | ** | 1.68 | ** |
| 18 | | OPERATING | JUD | 17,165,631 | A | 17,396,252 | A |
| 19 | | | | | | | |
| 20 | | 4. JUD330 - THIRD CIRCUIT | | | | | |
| 21 | | | | 231.00 | * | 234.00 | * |
| 22 | | | | 5.68 | ** | 5.68 | ** |
| 23 | | OPERATING | JUD | 20,176,683 | A | 20,345,759 | A |
| 24 | | | | | | | |
| 25 | | 5. JUD350 - FIFTH CIRCUIT | | | | | |
| 26 | | | | 105.00 | * | 105.00 | * |
| 27 | | | | 2.60 | ** | 2.60 | ** |
| 28 | | OPERATING | JUD | 7,984,148 | A | 8,200,043 | A |
| 29 | | | | | | | |
| 30 | | 6. JUD501 - JUDICIAL SELECTION COMMISSION | | | | | |
| 31 | | | | 1.00 | * | 1.00 | * |
| 32 | | OPERATING | JUD | 98,790 | A | 98,790 | A |



S.B. NO. 469

| | | | | | | | | | |
|----|----------------------------|-----|--|------------|----|--|------------|----|--|
| 1 | 7. JUD601 - ADMINISTRATION | | | | | | | | |
| 2 | | | | 227.00 | * | | 227.00 | * | |
| 3 | | | | 10.48 | ** | | 10.48 | ** | |
| 4 | OPERATING | JUD | | 27,512,596 | A | | 27,167,387 | A | |
| 5 | | | | 1.00 | * | | 1.00 | * | |
| 6 | | | | 9.00 | ** | | 9.00 | ** | |
| 7 | | JUD | | 7,993,737 | B | | 7,993,737 | B | |
| 8 | | JUD | | 343,261 | W | | 343,261 | W | |
| 9 | INVESTMENT CAPITAL | JUD | | 15,365,000 | C | | 18,750,000 | C | |
| 10 | | | | | | | | | |



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 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 which 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 justice's approval, may enter into the undertaking
15 with the federal government, private organization, or
16 individual.

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



1 PART IV. CAPITAL IMPROVEMENT PROJECTS

2 SECTION 7. The sum of \$34,115,000 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. | PROJECT TITLE | EXPENDING AGENCY | APPROPRIATIONS (IN 000'S) | | | |
|----------|---------------------|--|------------------|---------------------------|-----|-------------|-----|
| | | | | FISCAL YEAR | M O | FISCAL YEAR | M O |
| | | | | 2017-18 | F | 2018-19 | F |
| 1 | | THE JUDICIAL SYSTEM | | | | | |
| 2 | | | | | | | |
| 3 | | JUD601 - ADMINISTRATION | | | | | |
| 4 | | | | | | | |
| 5 | 1. | KA'AHUMANU HALE FIRE ALARM AND | | | | | |
| 6 | | ELEVATOR SYSTEMS UPGRADE AND | | | | | |
| 7 | | MODERNIZATION, O'AHU. | | | | | |
| 8 | | | | | | | |
| 9 | | DESIGN AND CONSTRUCTION FOR FIRE ALARM | | | | | |
| 10 | | AND ELEVATOR SYSTEMS UPGRADE AND | | | | | |
| 11 | | MODERNIZATION AT KA'AHUMANU HALE, O'AHU. | | | | | |
| 12 | | DESIGN | | 400 | | | |
| 13 | | CONSTRUCTION | | 8,900 | | 6,300 | |
| 14 | | TOTAL FUNDING | JUD | 9,300 | C | 6,300 | C |
| 15 | | | | | | | |
| 16 | 2. | KONA JUDICIARY COMPLEX, HAWAI'I. | | | | | |
| 17 | | | | | | | |
| 18 | | EQUIPMENT FOR A NEW JUDICIARY | | | | | |
| 19 | | COMPLEX AT KONA, HAWAI'I. | | | | | |
| 20 | | EQUIPMENT | | | | 6,750 | |
| 21 | | TOTAL FUNDING | JUD | 0 | C | 6,750 | C |
| 22 | | | | | | | |
| 23 | 3. | LUMP SUM CIP FOR JUDICIARY FACILITIES, | | | | | |
| 24 | | STATEWIDE. | | | | | |
| 25 | | | | | | | |
| 26 | | PLANS, DESIGN, CONSTRUCTION, AND | | | | | |
| 27 | | EQUIPMENT FOR GENERAL ALTERATIONS, | | | | | |
| 28 | | UPGRADES, AND IMPROVEMENTS TO JUDICIARY | | | | | |
| 29 | | FACILITIES, STATEWIDE | | | | | |
| 30 | | PLANS | | 50 | | 50 | |
| 31 | | DESIGN | | 300 | | 300 | |
| 32 | | CONSTRUCTION | | 2,625 | | 2,625 | |
| 33 | | EQUIPMENT | | 25 | | 25 | |
| 34 | | TOTAL FUNDING | JUD | 3,000 | C | 3,000 | C |



CAPITAL IMPROVEMENT PROJECTS

| ITEM NO. | CAPITAL PROJECT NO. TITLE | EXPENDING AGENCY | APPROPRIATIONS (IN 000'S) | | | |
|----------|---------------------------|--|---------------------------|-----|-------------|---------|
| | | | FISCAL YEAR | M O | FISCAL YEAR | M O |
| | | | 2017-18 | F | 2018-19 | F |
| 1 | 4. | HOAPILI HALE SECURITY IMPROVEMENTS, | | | | |
| 2 | | MAUI. | | | | |
| 3 | | | | | | |
| 4 | | DESIGN AND CONSTRUCTION FOR SECURITY | | | | |
| 5 | | IMPROVEMENTS AT HOAPILI HALE, MAUI. | | | | |
| 6 | | DESIGN | 100 | | 150 | |
| 7 | | CONSTRUCTION | 900 | | 1,450 | |
| 8 | | TOTAL FUNDING | | JUD | 1,000 C | 1,600 C |
| 9 | | | | | | |
| 10 | 5. | KAUA'I JUDICIARY COMPLEX REROOF AND | | | | |
| 11 | | REPAIR LEAKS AND DAMAGES, KAUAI. | | | | |
| 12 | | | | | | |
| 13 | | DESIGN AND CONSTRUCTION TO REROOF AND | | | | |
| 14 | | REPAIR LEAKS AND DAMAGES AT KAUAI JUDICIARY | | | | |
| 15 | | COMPLEX, KAUAI. | | | | |
| 16 | | DESIGN | 390 | | | |
| 17 | | CONSTRUCTION | 1,000 | | 1,100 | |
| 18 | | TOTAL FUNDING | | JUD | 1,390 C | 1,100 C |
| 19 | | | | | | |
| 20 | 6. | KAPUAIWA BUILDING SEPARATE STORM DRAIN | | | | |
| 21 | | AND SANITARY SEWER SYSTEMS, OAHU. | | | | |
| 22 | | | | | | |
| 23 | | DESIGN AND CONSTRUCTION FOR SEPARATE STORM | | | | |
| 24 | | DRAIN AND SANITARY SEWER SYSTEMS AT KAPUAIWA | | | | |
| 25 | | BUILDING, OAHU. | | | | |
| 26 | | DESIGN | 125 | | | |
| 27 | | CONSTRUCTION | 550 | | | |
| 28 | | TOTAL FUNDING | | JUD | 675 C | 0 C |
| 29 | | | | | | |



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 \$34,115,000.

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

16 SECTION 10. 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 11. 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 12. 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 project adjustment fund;
10 provided that supplemental allotments shall not be used to
11 increase the scope of the project.

12 SECTION 13. 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 14. 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



1 projects, and the governor shall provide for those amounts
2 through the issuance of bonds authorized in part V of this Act.

3 SECTION 15. Any law or any provision of this Act to the
4 contrary notwithstanding, the chief justice may supplement funds
5 for any cost element for a capital improvement project
6 authorized under this Act by transferring such sums as may be
7 needed from the funds appropriated for other cost elements of
8 the same project by this Act or by any other prior or future Act
9 that has not lapsed; provided that the total expenditure of
10 funds for all cost elements for the project shall not exceed the
11 total appropriation for that project.

12 PART VII. MISCELLANEOUS PROVISIONS AND EFFECTIVE DATE

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



1 SECTION 17. If any manifest clerical, typographical, or
2 other mechanical error is found in this Act, the chief justice
3 may correct the error. All changes made pursuant to this
4 section shall be reported to the legislature at its next regular
5 session.

6 SECTION 18. This Act shall take effect on July 1, 2017.

7

INTRODUCED BY: *M. N. M.*
By Request



S.B. NO. 469

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.

